



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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



## NOTICE OF ADOPTED AMENDMENT

11/18/2013

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 013-13

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: Thursday, December 05, 2013

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

<paa> YA



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

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

NOV 15 2013

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **City of Happy Valley**

Local file number: **LDC-10-13**

Date of Adoption: **11/5/2013**

Date Mailed: **11-13-13**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/19/2013

☐ 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 miscellaneous Land Development Code Amendments focusing on Multi-Family, Recreational Field Parking and Mobile Food Vendors.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. 013-13 (19980) [17677]



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

Metro

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Local Contact: **Michael Walter Eco & Comm Dev Dir** Phone: (503) 783-3839 Extension:  
Address: **16000 SE Misty Drive** Fax Number: **503-658-5174**  
City: **Happy Valley** Zip: **97086-** E-mail Address: **michaelw@ci.happy-**  
**valley.or.us**

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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).

Mayor  
Honorable Lori DeRemer



City Manager  
Jason Tuck

November 13, 2013

File No. LDC-10-13  
(Administrative Amendments)

### NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley City Council at a public hearing on November 5, 2013, with regard to an application by City of Happy Valley for Administrative Amendments (File No. LDC-10-13) focusing on Multi-Family, Recreational Field Parking and Mobile Food Vendors

At the public hearing, the City Council voted to approve LDC-10-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for LDC-10-13 are available upon request.

This action of the Planning Commission is subject to an appeal to the City Council per the provisions of Section 16.61.040 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. An appeal of this decision must be filed within 14 days of the mailing of this Notice of Decision. Staff from the City's Planning Division (503-783-3800) can provide information regarding forms, fees and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee of \$1,000 plus attorney's fees (\$2,500 deposit required), prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Community Development Director or designee to respond to the issue. If no appeal is filed by **Tuesday, November 19, 2013, at 5:00 p.m.**, this decision shall be deemed final.

Michael D. Walter  
Economic & Community Development Director

cc: City of Happy Valley, Applicant  
Participants of Record

16000 SE Misty Drive  
Happy Valley, Oregon 97086  
Telephone: (503) 783-3800 Fax: (503) 658-5174  
Website: [www.ci.happy-valley.or.us](http://www.ci.happy-valley.or.us)

CITY OF HAPPY VALLEY  
ORDINANCE NO. 443

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 16 (DEVELOPMENT CODE) OF THE CITY  
OF HAPPY VALLEY MUNICIPAL CODE – ADMINISTRATIVE AMENDMENTS

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application LDC-10-13 was a staff initiated request to amend sections of the City's Municipal Code as detailed within Exhibit "A"; and

WHEREAS a public hearing was held before the City of Happy Valley Planning Commission on September 24, 2013; and

WHEREAS, the Planning Commission recommended the City Council approve the changes to Title 16 of the Municipal Code as detailed in the Staff Report to the Planning Commission dated September 24, 2013; 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 make the proposed amendments 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 the Staff Report to the Planning Commission dated September 24, 2013, and as discussed at the regular meeting of the City Council on November 5, 2013; 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 amendments to Title 16 of the City's Municipal Code be amended as set forth as part of Exhibit "A" and are fully incorporated herein.

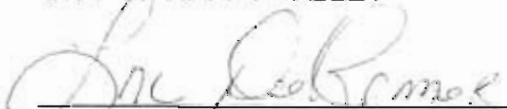
Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the Planning Commission dated September 24, 2013 are hereby adopted in conjunction with this Ordinance.

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

This ordinance takes effect 30 days after adoption.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [November 5, 2013]

CITY OF HAPPY VALLEY

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

ATTEST:

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

EXHIBIT "A"

(FINAL TEXT AS DETERMINED BY THE CITY COUNCIL AT THE  
CONCLUSION OF THE PUBLIC HEARING TO BE INSERTED HERE)

## FINAL LAND DEVELOPMENT CODE AMENDMENTS

### 16.25.010 Industrial districts

#### A. Purpose.

1. Employment Center (EC). The purpose of the Employment Center (EC) District is to provide for a mix of employment opportunities, located where they are accessible by a variety of transportation modes, including transit services and safe and convenient pedestrian connections. These areas provide sites suitable for business and office parks, campus and light industrial uses, professional and corporate offices, medical offices and clinics, tech/flex businesses, creative arts and services, technical/vocational schools and other related businesses. Building types range from large single user campuses, multiple tenant business parks to multistory mixed-use buildings. Quality design and a connected and walkable character of the surrounding environment will be provided. Housing is allowed when combined in vertical mixed-use buildings.

2. Industrial Campus (IC). Pursuant to Metro's Urban Growth Management Functional Plan Title 4 for Regionally Significant Industrial Areas (RSIA) the purpose of the Industrial Campus District is to provide a ready supply of developable industrial land for the City of Happy Valley and the southeast metropolitan area. It seeks to promote economic development, job creation, sustainable businesses and green building practices, jobs-housing balance, land optimization and freight mobility by preserving large contiguous areas for industrial clusters near existing and planned residential areas and transportation corridors. In order to protect the viability and integrity of industrial land, this district is not intended for residential use and shall allow only limited retail and commercial components. The Industrial Campus District is intended to be a mix of, but not limited to, the following industries:

- a. Green building products and design;
- b. Advanced materials;
- c. Medical devices;
- d. Specialized software applications;
- e. Forestry and agricultural biotechnology;
- f. Nanotechnology;
- g. Recreational equipment/recreation technology;
- h. Corporate headquarters;
- i. Professional services;
- j. Specialty food processing;
- k. Transportation equipment/technology;
- l. Logistics.

B. Permitted Uses. Table 16.25.010-1 identifies the land uses that are allowed in the EC and IC Districts.

**Table 16.25.010-1 Industrial (EC, IC) Permitted Uses**

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

Land Use	EC	IC
<b>Residential</b>		
Pre-existing dwellings. Preexisting dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Chapter 16.72	P	P

<b>Land Use</b>	<b>EC</b>	<b>IC</b>
Home occupations in pre-existing dwellings	P	P
New residential uses	P <sup>1</sup>	X
<b>Commercial—Retail</b>		
Commercial day care	C	C
Entertainment, major event	X	X
Hotels	C	X
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C	C
Outdoor recreation, commercial	X	X
Parking lot (when not an accessory use)	X	C/X <sup>7</sup>
Quick vehicle servicing or vehicle repair	C	P
Retail sales	P <sup>2</sup>	P <sup>3</sup>
Commercial service	P <sup>2</sup>	P <sup>3</sup>
Self-service storage	X	P/X <sup>7</sup>
<b>Commercial—Office</b>		
Offices	P	P <sup>4</sup>
Industrial <sup>5</sup>		
Industrial services—Fully enclosed	P	P
Industrial services—Not enclosed	C	P
Manufacturing and production and fabrication and assembly—Fully enclosed	P	P
Manufacturing and production and fabrication and assembly—Not enclosed	C	P
Research and development activities and laboratories—Fully enclosed	P	P
Research and development activities and laboratories—Not fully enclosed	C	P
Repair, finishing and testing—Fully enclosed	P	P
Repair, finishing and testing—Not fully enclosed	C	P
Distribution activities and warehousing and freight movement	P <sup>6</sup>	P <sup>8</sup>
Waste-related	X	C/X <sup>7</sup>
Wholesale activities	P <sup>2</sup>	P <sup>3</sup>
<b>Institutional</b>		
Basic utilities	P	P
Colleges	C <sup>2</sup>	X
Institutional uses; educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers	C <sup>2</sup>	C
Public parks and open space—Pedestrian amenities	P	P
Public parks and open space—Parks and recreation facilities	C	P
Public parks, usable open space	P	P
Churches, synagogues, temples or places of worship	C <sup>2</sup>	X
Library, post office, community center, etc.		
Public and private schools (includes commercial day care, dancing and music schools)	C <sup>2</sup>	X
<b>Other</b>		
Agriculture—Animals, when an existing use as of May 5, 2009	P	P
Agriculture—Animals, when accessory to a permitted industrial use	X	P
Agriculture—Animals, when new use	X	X
Agriculture—Nurseries and similar horticulture (See also wholesale and retail uses)	C	P
Buildings and structures exceeding the height limits in Table 16.25.010-2	C	C
Mining	X	C/X <sup>7</sup>



Land Use	EC	IC
Radio frequency transmission facilities—Within height limit of district	P	P
Radio frequency transmission facilities—Exceeds height limit (freestanding or building-mounted facilities)	C	C
Rail lines and utility corridors	P	P
Temporary uses (limited to “P” and “C” uses), per Section 16.69.010	C	C
Transportation facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P
Wireless telecommunication facilities: wireless telecommunication facilities are subject to the requirements of Section 16.44.020 (Wireless Communication Facilities)	P	P
Any accessory use or structure, not otherwise prohibited, that the Planning Official or designee finds to be customarily accessory and incidental to a permitted use	P	P
Any use that the Planning Official or designee finds to be similar to one or more of those specified above	P/C	P/C
<p>NOTES:</p> <p><sup>1</sup> Residential uses on upper floors of mixed use buildings are permitted.</p> <p><sup>2</sup> New single or multiple retail, commercial services, or institutional buildings shall not exceed thirty thousand (30,000) square feet gross leasable area on a single lot or parcel or contiguous lots or parcels. For the purposes of this limitation, parcels or lots separated by only a transportation right-of-way are considered to be contiguous. The use of any building, structure or land that was existing on or before July 17, 2012 or which was a legal use at the time of annexation may continue and may expand to add up to twenty (20) percent more floor area and ten (10) percent more land area on a site.</p> <p><sup>3</sup> <del>Quick vehicle servicing or vehicle repair, retail sales, or commercial services u</del>Uses are subject to the following limitations:</p> <p>a. New <del>quick vehicle servicing or vehicle repair, retail sales, or commercial services</del> uses:</p> <p>1. No single store, branch, agency or other outlet shall exceed three thousand (3,000) square feet in area (including buildings and outdoor storage and sales areas); and</p> <p>2. On sites with multiple outlets, the cumulative area dedicated to these uses shall not exceed twenty thousand (20,000) square feet (including buildings and outdoor storage and sales areas);</p> <p>b. Existing <del>quick vehicle servicing or vehicle repair, retail sales, or commercial services</del> uses and buildings: Notwithstanding subsection (a) above, the use of any building, structure or land that was existing on or before July 17, 2012 or which was a legal use at the time of annexation may continue and may expand to add up to twenty (20) percent more floor area and ten (10) percent more land area on a site.</p> <p><sup>4</sup> Permitted as an accessory use—Executive and administrative offices must relate to the operation of the industrial use and may not exceed forty (40) percent of the total gross floor area.</p> <p><sup>5</sup> If not fully enclosed, must be located more than two hundred (200) feet from residential districts</p>		

and petroleum storage and refining.

<sup>6</sup> Permitted as an accessory use—May not exceed twenty (20) percent of the total site area.

<sup>7</sup> Use is prohibited within the Rock Creek Employment Center Subdistrict as defined in Section 16.25.010(G).

<sup>8</sup> Within the Rock Creek Employment Center Subdistrict as defined in Section 16.25.010(G), use is permitted only as an accessory use—May not exceed twenty (20) percent of the total site area.

#### C. Conditional Uses Approval Criteria.

1. Conditional uses may be allowed subject to review pursuant to Chapter 16.64 (Conditional Use). In addition to the criteria for approval listed in that chapter, conditional uses in the EC and IC Districts shall be reviewed against the following criteria:

- a. If a service-related use, buildings shall have existing employment or industrial users as their primary market;
- b. Uses shall not undermine the ability of the district to retain and attract employment and industrial uses; and
- c. Uses shall not create substantial use incompatibilities or significantly alter the overall industrial campus character of the area based on the existing proportion of industrial to non-industrial uses.

#### D. Additional General Provisions for the Employment Center and Industrial Campus Districts.

1. The procedures and application requirements under Chapter 16.62 (Design Review) and Chapter 16.48 (Industrial Design Standards) shall apply to all development in the EC and IC Districts. If language within these sections conflicts with specific requirements and standards of the districts, the standards within the design review and general site design standards chapters shall prevail.

E. Development Standards. The development standards in Table 16.25.010-2 apply to all uses, structures, buildings, and development within the EC and IC Districts.

**Table 16.25.010-2 Development Standards for EC and IC Districts**

<b>Standard</b>	<b>EC</b>	<b>IC</b>
Residential density (maximum)	NA	NA
Lot size (minimum)	None	None <sup>1</sup>
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage, including all impervious surfaces (maximum)	85%	75%
Open space (minimum)	15%	≥15%
Landscaping (minimum)	The <b><u>requirements of Chapter 16.42 apply, including the screening provisions of 16.42.060.G.</u></b> In addition, the approval authority may require landscaping, fences, walls or other buffering that exceed the	

Standard	EC	IC
	landscaping standards when it finds that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties	
Building setbacks (minimum):		
Front	10 ft.	10 ft.
Rear (abutting a nonresidential district)	10 ft.	20 ft.
Rear (abutting a residential district)	20 ft.	20 ft.
Side	0 ft./10 ft. <sup>2</sup>	0 ft./20 ft. <sup>2</sup>
Building setbacks (maximum)		
Front	None	None
Rear	None	None
Side	None	None
Building height (maximum)	45 ft.	45 ft.
NOTES:		
<sup>1</sup> Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a master plan approved by the City so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.		
<sup>2</sup> The minimum required side and rear building setbacks shall be increased by one-half foot for each foot by which building height exceeds twenty (20) feet. Zero lot lines area allowed along interior side lot lines where both parcels are within the EC or IC zones subject to approval by the building official and Clackamas fire district.		

[...]

#### 16.42.060 Fencing, walls and screening.

[...]

G. Outdoor Storage. All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Planning Official or his/her designee. Exceptions to the preceding requirements include: new or used cars, cycles and trucks **sales** (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales, florists and plants nurseries.

#### 16.43.030 Automobile parking standards.

##### A.General Requirements for Off-Street Parking and Loading.

1. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles, is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.

2. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Commission or appropriate and designated body or agent.

3. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with subsection B of this section or as otherwise modified through a planned development or specific area plan.
  4. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.
  5. Increased Intensity. When increased intensity requires no more than two vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
  6. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in subsection B of this section, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.
  7. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.
  8. Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.
  9. Truck Parking. In residential zoning districts, no overnight parking of commercial vehicles shall be permitted except as allowed through the provisions of a home occupation permit. Vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted are exempt from the restrictions of this subsection.
  10. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Parking spaces shall not be used for the storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
  11. **Shared Bicycle Parking.** ~~Unassigned Parking in Residential Districts.~~
    - a. ~~Multifamily dwelling units with more than ten (10) required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least fifteen (15) percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.~~
    - b. Multifamily dwelling units with more than ten (10) required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least fifteen (15) percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.
  12. All dwellings shall have direct, impeded access from the required off-street parking spaces to the nearest public street, road or accessway.
- [...]

**Table 16.43.030-1**

Proposed Use	Minimum Parking Spaces (MC in red)	Maximum Parking Spaces (if nothing is noted, there is no maximum) <sup>1</sup>		Bicycle Spaces
		Zone A	Zone B	
Residential				
Single-family detached	2 per dwelling			None required
Single-family attached	2 per dwelling <sup>3</sup>			None required
Duplexes, triplexes, fourplexes	2 per dwelling <sup>3</sup>			None required
Manufactured home park	2 per dwelling			None required
Multifamily dwellings containing five or more units <sup>4</sup> Studio and one bedroom units Two-bedroom units Three or more bedroom units Visitor parking	1.25 per dwelling 1.5 per dwelling 1.75 per dwelling 0.35 per dwelling unit (if less than 100 total units); <b>35 spaces or</b> 0.25 per dwelling unit, <b>whichever is greater</b> (if 100 or more total units)			1 space per unit 1 space per unit 1 space per unit 75% of bicycle parking in multi-family development shall be covered.
Congregate housing, retirement homes, intermediate care facilities	1 per 3 beds plus 1 space per employee on the largest work shift			1 per 5 beds
Residential care facilities	1 per 4 beds plus 1 space per employee in the largest work shift	2 per unit +.50 per bed	2 per unit +.50 per bed	1 per 5 beds
Community Services, Institutional and Semipublic Uses				
General office, government office	3 per 1000 sq. ft. gross floor area	3.4 per 1,000 sq. ft.	4.1 per 1,000 sq. ft.	2 or 1 per 20 auto spaces whichever is greater
Community recreation buildings / <b>covered picnic areas</b>	1 per 250 sq. ft., or 1 space per four patrons to the maximum capacity, plus one space per employee on the largest shift			0.3 spaces per 1000 sq. ft. of floor area
Church, chapel, auditorium	1 per 4 fixed seats or 6 linear feet of bench length or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats			1 space per 40 seats or 1 space per 60 linear feet of bench seating
Library or museums	2 per 1,000 sq. ft. gross floor area			2 or 1.5 spaces per 1,000 gross sq. ft., which is greater with 10 percent required to be covered
Lodge, fraternal and civic	1 per 4 fixed seats or 1 for			2 or 1 per 20 vehicle

Proposed Use	Minimum Parking Spaces (MC in red)	Maximum Parking Spaces (if nothing is noted, there is no maximum) <sup>1</sup>		Bicycle Spaces
		Zone A	Zone B	
assembly with/or without eating and drinking facilities	each 50 sq. ft. of public assembly area where there are no fixed seats			spaces
Hospitals and medical centers	1 per 500			0.2 spaces per 1,000 gross sq. ft.
Medical and dental offices and clinics	4 per 1000 sq. ft. of gross floor area	4.9 per 1,000 sq. ft.	5.9 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of floor area
<b>Schools</b>				
Day care/small school	1 per employee and 1 per five students			1.5 spaces per classroom
Preschool/kindergarten	2.5 per 1000 sq. ft. gross floor area			1.5 spaces per classroom
School—Elementary	2 per classroom, <u>plus recreation facilities, if applicable</u>			2 spaces per classroom
School—Middle school/junior high	2 per classroom, <u>plus recreation facilities, if applicable</u>			4 spaces per classroom
School—Senior high	0.6 per 1000 sq. ft. gross floor area, <u>plus recreation facilities, if applicable</u>			4 spaces per classroom
School—Vocational or college	3 per 1,000 sq. ft. of gross floor area, <u>plus recreation facilities, if applicable</u>			0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which residential facility standards apply)
<b>Commercial Uses</b>				
Retail sales, general and personal services	4 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1,000 sq. ft. of gross floor area
Shopping centers	4 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1,000 sq. ft. of gross floor area
Retail sales, bulky merchandise (examples: furniture or motor vehicles)	1 per 800 sq. ft. of gross floor area			0.3 per 1,000 sq. ft. of gross floor area
Grocery stores	2.9 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft. of gross floor area
Convenience market	2.3 per 1000 sq. ft. of gross floor area			2 spaces per 1,000 sq. ft. of gross floor area
Restaurant (with drive-through)	9.9 spaces per 1,000 sq. ft. of gross floor area	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area



Proposed Use	Minimum Parking Spaces (MC in red)	Maximum Parking Spaces (if nothing is noted, there is no maximum) <sup>1</sup>		Bicycle Spaces
		Zone A	Zone B	
Restaurant without drive-through	11 spaces per 1,000 sq. ft. of gross floor area <sup>2</sup>	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area
Sports club/health spas/ <b><u>recreation facilities</u></b>	4.3 spaces per 1,000 sq. ft. of gross floor area <b><u>or field area (see Section 16.43.030.H.)</u></b>	5.4 per 1,000 sq. ft.	6.5 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of gross floor area
<b><u>Basketball</u></b> , tennis and racquetball clubs <b><u>and courts</u></b>	2 spaces per 1,000 sq. ft. of floor area; <b><u>square footage of outdoor courts shall include the area of sport activity only (i.e., not including any sidelines, etc.)</u></b>			0.4 spaces per 1,000 sq. ft. of gross floor area
Theaters / <b><u>sports arena / stadiums</u></b>	0.3 spaces per seat or 6 linear feet of bench seating	0.4 per seat	0.5 per seat	0.04 spaces per seat or 60 linear feet of bench seating
Service station	3 spaces plus 2 spaces per service bay, if any			2 spaces or 0.2 per 1,000 sq. ft. of gross floor area whichever is greater
Service station with convenience market with gas pumps	2.3 spaces per 1,000 sq. ft. of gross floor area			2 spaces or 0.2 spaces per 1,000 sq. ft. of gross floor area, whichever is greater
Parks and open spaces	None required, <b><u>except that parking for sport courts, recreation facilities, community recreation buildings and covered picnic areas shall be computed separately. Parking for these facilities may be shared in accordance with 16.43.030.C</u></b>			4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater
Bank (with drive-through)	4.3 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area
Bank without drive-through	5 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area

Proposed Use	Minimum Parking Spaces (MC in red)	Maximum Parking Spaces (if nothing is noted, there is no maximum) <sup>1</sup>		Bicycle Spaces
		Zone A	Zone B	

NOTES:

<sup>1</sup> Parking maximums are based on A and B Zone designations, pursuant to Metro Functional Plan Title 2, Regional Parking Policy, and as listed in the Regional Parking Ratios Table and illustrated in the Regional Parking Maximum Map. The zones are based on access to transit. Areas with twenty (20) minute peak hour transit service available within a one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit shall be within Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within one-third mile walk from adjacent residential areas).

<sup>2</sup> Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants without drive-through.

<sup>3</sup> Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by this subsection. ~~If on-street parking is available within five hundred (500) feet, this requirement may be waived.~~

<sup>4</sup> In order to address the conversion of garages from parking to storage, in multifamily developments where parking is provided in individual garages an additional 100 square square-foot by 10-foot high storage area is required per dwelling unit. Alternatively, the applicant may provide a parking management plan. At a minimum, the parking management plan shall include quarterly inspections and sworn affidavits by the multi-family development owner/management company guaranteeing the utilization of garage parking for automobile parking spaces only. Further, the parking management plan shall demonstrate that the parking pricing policies of the multi-family development will not result in additional on-street parking by tenants.

[...]

Section 16.43.030.H. Recreation Facilities are public or private facilities used for active recreation activities. They may be indoor or outdoor and include facilities such as athletic fields, swimming pools, miniature golf, and skateboard parks.

1. Parking requirements for athletic fields shall be computed based on the square footage of the area of sport activity (i.e., the field of play not including any sidelines, etc.)
2. In no case shall the number of parking spaces required for an athletic field exceed 30 spaces per field except where the field is part of a stadium or sports arena.
3. Parking requirements recreation facilities other than athletic fields shall be computed based on gross square footage of the building and/or improved or fenced area.

#### 16.44.055 Accessory uses

[...]

D. An uncovered swimming pool may be located within a required rear yard or side yard behind the rear building line provided it is no closer than five feet to the property line.

1. Any pool forty-eight (48) inches in height above grade level is to be considered its own fence if the following conditions are met:
  - a. The method of entering the pool is a removable ladder or stair that is moved a safe distance from said pool when the pool is not in use.
  - b. If a deck or walkway is constructed around aforesaid pool that is over thirty (30) inches above grade, this deck or walkway must be equipped with a guardrail with either vertical or horizontal members that will not permit passage of a nine-inch sphere. If no fence with self-closing and locking gates encloses the yards, one must be installed on the stair or ladder that serves as entry onto the deck or walkway. If more than one entry to deck or walkway is provided, all entries shall have self-closing and locking gates.
  - c. The pool must be set and maintained as pursuant to manufacturer's instructions.
2. Any pool installed at ground level or below ground level shall be protected against accidental entry by a fence not less than forty-eight (48) inches nor more than eighty-four (84) inches in height with a self-closing, self-locking gate not less than forty-eight (48) inches from the edge of the pool.
  - a. The pool must be set and maintained as pursuant to manufacturer's instructions;
  - b. Any pool less than forty-eight (48) inches in height shall be considered to be at ground level installation and treated as same for protective fencing; or
  - c. The pool and/or spa and hot tub must be covered by a power safety cover that complies with ASTM F 1346 as listed in Section B106 of the International Residential Code (2000) for one- and two-family dwellings.

E. An accessory building (commonly referred to as a "shed") measuring no greater than two hundred (200) square feet in size and fourteen (14) feet in height may be located within a required rear yard or the required side yards behind the front building line of the primary structure, provided that a minimum three-foot setback is maintained between the accessory structure and any pertinent rear or side property line. **An accessory building component that extends from the foundation wall, including, but not limited to: eaves; fireplace chases; bay windows; and, similar accessory building components, may be located within a required rear yard or the required side yards behind the front building line of the primary structure, provided that a minimum three-foot setback is maintained between the accessory building component and any pertinent rear or side property line. Habitable floor area or accessory storage area shall not be considered an accessory building component.**

F. An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than ten (10) feet to a rear property line. An uncovered deck constructed thirty (30) inches or higher above grade may be located within the required rear yard or the required side yard behind the front building line provided that it may not be closer than three feet to a property line. An uncovered deck constructed lower than thirty (30) inches above grade may be built up to a property line.

[...]

## **Chapter 16.69 MISCELLANEOUS PERMITS**

Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, temporary art and music festivals, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. **Mobile food/beverage units are subject to Section 16.69.030.** Five **Six** types of temporary uses require permit approval:

[...]

F. Temporary Exterior Storage. Using the administrative review process, the Planning Official may approve, approve with conditions or deny an application for temporary exterior storage of structures, equipment or materials based on following criteria:

1. The property to be used for temporary storage shall not be permanently improved for that purpose;
2. The length of time that the site will be used for storage does not exceed six (6) months (a single six-month extension may be granted by the Planning Official by submittal of a time extension application). If the temporary use exceeds this time frame, the applicant shall be required to remove the stored materials, or renew the temporary use permit;
3. The areas used for storage are required to conform to the setbacks of the underlying development district;
4. The areas used for storage shall be screened from view from public streets;
5. No on-site sales will be conducted;
6. Dust and erosion control measures have been taken to ensure there will be no impact to air and water quality from dust and mud on the site or on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
8. At the end of the temporary use, the site must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. An exception to this requirement is sites that have compacted gravel or paving prior to the start of the project. In these cases the portion of the site that has compacted gravel or paving may remain in compacted gravel or paving. All other portions of the site must be seeded as provided above.

## **Chapter 16.69 MISCELLANEOUS PERMITS**

16.69.010 Temporary use permits.

16.69.020 Home occupation permits.

16.69.030 Mobile Food Unit Sites

16.69.030 Mobile Food Unit Sites

A. Purpose. Mobile Food Units, which are defined in OAR 333-150-0000, can provide opportunities to enliven under-utilized parking lots, allow individual entrepreneurship at a small scale, and provide unique eating establishments for the public. The purpose of this section is to allow for Mobile Food Unit Sites or "cart pods" where mobile food units (carts) can be parked on a long term basis. As with Temporary Uses, permanent site improvements may not be required; however, the standards and permit processes of this section are intended to ensure that mobile food unit sites are conducted as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

B. Exemptions. The following are exempt from provisions of this section:

1. Locations where mobile food units stop for less than two hours in any 24-hour period.

2. Locations where mobile food units are stored when not in operation are exempt from the provisions of this section; however, the storage of commercial vehicles may be subject to other requirements of the LDC.
3. Mobile food units and other mobile vending units that are operated as part of an approved farmer's market.

C. Mobile food unit site standards. The following standards apply to mobile food unit sites.

1. Zoning. Mobile food unit sites are not permitted in residential zones.
2. Accessory Items and Structures: Trash receptacles for customer use shall be maintained no more than 10 feet from the mobile food units. Portable accessory items, such as picnic tables, are permitted. With Type II approval, new accessory structures may be constructed, as follows:
  - a. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;
  - b. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
  - c. One trash enclosure; and
  - d. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.
3. Signs: Signs are restricted to "A-Frame" signs only, permitted pursuant to Chapter 16.45.
4. Minimum Setbacks and Separation Distance: All mobile food units on the site shall be located a minimum of:
  - a. Five feet from any structure or other mobile food unit;
  - b. 10 feet from any front lot line; and
  - c. Five feet from any side or rear lot line, except if such lot line abuts a residential district the minimum setback shall be 15 feet.
5. Screening: If the mobile food unit site is located less than 20 feet from a residential zoning district, the residential property shall be screened from the mobile food unit site, which may be a portion of a property including the mobile food unit, seating, queuing, etc. abutting the residential zoning district and may not necessarily extend to the shared property line. Required screening:
  - a. May be provided by an existing structure, a fence, or a hedge;
  - b. Shall be sight-obscuring; and
  - c. Shall have a minimum height of six feet.
6. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
7. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas: No mobile food unit or associated element, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile vending units shall not occupy landscaping areas approved as part of a prior design review or other land use application. However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking or required to meet minimum parking requirements on the site.

8. Surfacing: All mobile food units shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site.

9. Driveway Access: No new or modified driveway access is permitted.

10. Intersection Sight Distance and Roadside Clear Zones: The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the City of Happy Valley Engineering Standards.

11. Lighting: Outdoor lighting shall be required per this Title if not already provided by an existing use.

12. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, mobile vending units shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:

a. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:

(1) If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.

(2). If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.

b. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.

c. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

13. Portable Sanitation Facilities: Portable toilets and hand-washing facilities are permitted but may not drain to the surface.

14. Sewage Disposal: Subsurface sewage disposal is prohibited.

D. Mobile Food Units. The following standards apply to each mobile food unit on the site.

1. Attachments: Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile food unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile food unit.

2. Accessory Storage: Except as specifically allowed by Section 16.69.030.C, items relating to the mobile food unit shall be stored in, on, or under the unit.

3. Interior Seating or Vending: Customer seating or vending inside the mobile food unit is prohibited.

4. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.



5. Drive-thru Service: A mobile food unit may include drive-thru service only if drive-thru service is allowed as a primary or accessory use in the zoning district in which the subject property is located. Drive-thru service shall be subject to the related provisions of this Title.

7. Other licenses required: Besides meeting the requirements of this section, the operator of a mobile food unit must have an active City business license and must comply with the permit requirements of Clackamas County Environmental Health Department.

E. Permit Procedures. Mobile food unit site permits will be processed as follows:

1. Type I - Up to two carts on one site with no accessory structures other than trashcans and portable accessory items, such as picnic tables may be reviewed in accordance 16.61.020 Type I procedure (administrative).

2. Type II - Up to four carts on one site and/or new accessory structures constructed in accordance with Section 16.69.030.C.2 may be reviewed in accordance with 16.61.035 Type II-DR procedure (administrative).

3. More than four carts on one site and/or improvements or new accessory structures other than those permitted through Type I or Type II approval requires design review approval in accordance with 16.61.045 Type III-DR procedure (quasi-judicial).

F. Submittal Requirements. An application for a mobile food unit site permit shall include the following:

1. A completed application form on a form provided by the Planning Official;

2. Information sufficient to address the standards in subsection 16.69.030.C; and

3. A site plan of the subject property drawn to scale and including:

a. The lot lines;

b. The location of existing structures;

c. The proposed boundaries of the mobile food unit site. Within the boundaries of the mobile food unit site, the location of all mobile food units, seating areas, and any accessory items or structures shall be shown;

d. The proposed distance between the mobile vending unit site and adjacent lot lines, as well as the proposed separation distance between units and between units and other onsite structures;

e. The type and location of any proposed onsite utility connections for mobile food units;

f. The location of existing loading areas, driveways, onsite circulation drives, parking lot aisles, bicycle and automobile parking spaces, and walkways;

g. The orientation of service windows and doors on the mobile food units and location of queuing areas;

h. The location of existing landscaping; and

i. The dimensions, height, and location of proposed A-Frame signs.

G. Conditions of Approval. Staff may impose conditions upon the approval of a mobile food unit site permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:

1. Further limiting the hours, days, place and manner of operation;
2. Requiring site and building design features which minimize environmental impacts such as noise, glare, and odor;
3. Requiring additional building setbacks;
4. 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;
5. Designating the size, number, location and design of vehicle access points;
6. Requiring landscaping, buffering and/or screening, of the mobile food unit site from adjoining uses and establishing standards for the continued maintenance of these improvements;
7. Requiring storm drainage improvements, and surfacing of parking and loading areas;
8. Limiting or setting standards for the location and intensity of outdoor lighting;
9. Requiring and designating the size, height and location of fences and materials used for their construction;
10. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
11. Limiting the type and number of vehicles or equipment to be parked or stored on the site;
12. Any other limitations which the staff considers to be necessary or desirable to make the use comply with this section; and
13. Any limitations or conditions imposed by the City's service providers, including but not limited to Sunrise Water Authority, Clackamas River Water, Clackamas Fire District #1, CCSD#1, CCSD#5, etc.

#### H. Approval period and time extension

A. A mobile food unit site approval is valid for four years from the date of the final written decision. If the City's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development. At the end of any four-year period, the applicant may apply for another four-year permit by filing a new application.

#### G. Grounds for Revocation. The Planning Official or designee may:

1. Revoke a mobile food unit site permit approval if the conditions of approval have not been or are not being complied with and the mobile food unit site is otherwise being conducted in a manner contrary to this chapter.
2. The Planning Official or designee shall approve the use as it exists, revoke the mobile food unit site 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 mobile food unit site, such as:
  - a. Generation of excessive traffic;
  - b. Generation of excessive noise or litter;
  - c. Other offensive activities not compatible with the surrounding area.

**4. Waiting Period for Reapplication. When a mobile food unit site permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a mobile food unit site on the subject parcel will be considered.**



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LAND CONSERVATION  
AND DEVELOPMENT

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