



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: June 19, 2015  
Jurisdiction: City of Happy Valley  
Local file no.: LDC-02-15  
DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/15/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
<b>DEPT OF</b>
File No.:
Received: JUN 15 2015

LAND CONSERVATION  
AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Happy Valley

Local file no.: LDC-02-15

Date of adoption: 6/2/2015

Date sent: 6/9/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/3/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Michael D. Walter, Economic &amp; Community Development

Phone: 503 783-3839

E-mail: michaelw@happyvalleyor.gov

Street address: 16000 SE Misty Drive

City: Happy Valley

Zip: 97086

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Title 16 of City's Municipal Code (Land Development Code) - See Attached

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Mayor  
Honorable Lori DeRemer



City Manager  
Jason A. Tuck

June 9, 2015

File No. LDC-02-15  
(Administrative Amendments)

### NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley Planning Commission and City Council public hearings held on May 12, 2015 and June 2, 2015, with regard to an application by City of Happy Valley for Administrative Amendments (Local File No. LDC-02-15), focusing on changes to Title 16 of the City's Municipal Code (Land Development Code) in regard to definitions, development standards, setbacks, mobile food units, etc.

At the final public hearing, the City Council voted to approve LDC-02-15 based upon submitted information, public testimony, and the recommendation of the Planning Commission. Copies of the Planning Commission and City Council Staff Reports for LDC-02-15 are available upon request.

This action of the City Council is subject to appeal to the State Land Use Board of Appeals. Staff from the City's Planning Division (503-783-3800) can provide information regarding the appeal process.

A handwritten signature in black ink that reads 'Michael D. Walter'. The signature is written in a cursive style and is positioned above a horizontal line.

Michael D. Walter  
Economic & Community Development Director

cc: City of Happy Valley, Applicant  
Participants of Record

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288  
Telephone: (503) 783-3800 Fax: (503) 658-5174  
happyvalleyor.gov

CITY OF HAPPY VALLEY  
ORDINANCE NO. 474

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

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application LDC-02-15 was a staff initiated request to amend sections of the City's Municipal Code as detailed within Exhibit "B"; and

WHEREAS a public hearing was held before the City of Happy Valley Planning Commission on May 12, 2015; and

WHEREAS, the Planning Commission recommended the City Council approve the changes to Title 16 of the Municipal Code (as amended) as detailed in the Staff Report to the City Council dated June 2, 2015; and

WHEREAS, the City has forwarded a copy of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD) and METRO 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 "B", as supported by the Findings of Fact in the Staff Report to the City Council dated June 2, 2015, and as discussed at the regular meeting of the City Council on June 2, 2015; 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 "B" and are fully incorporated herein.

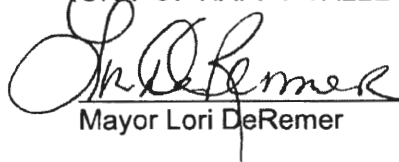
Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the City Council dated June 2, 2015 are hereby adopted in conjunction with this Ordinance.

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

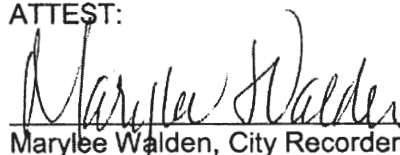
This ordinance takes effect 30 days after adoption.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [January 6, 2014]

CITY OF HAPPY VALLEY

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

ATTEST:

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

## FINAL DEVELOPMENT CODE TEXT AMENDMENTS

NOTE: Proposed text is in **bold, underline** – text proposed for removal is in ~~strike through~~.

### 16.12.030 Definitions.

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group leadings (e. g., Lot Types). See also Chapter 16.21 for descriptions of the land use districts.

**Abutting.** Contiguous or adjoining, ~~exclusive of street width~~ **though not including intervening or bordering public right-of-way. Private drives or drive aisles are included as abutting lands for purposes associated with the Land Development Code.** **Abutting** It shall include the terms adjacent, adjoining and contiguous.

[...]

**Mobile food unit. Per Oregon Administrative Rule 333-150-0000, means any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer. Also referred to as a “food cart”.**

[...]

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

#### A. Purpose.

1. Residential—Five Thousand (5,000) Square Feet (R-5). This development district will allow single-family (attached and detached) as well as duplexes, triplexes within the City. Sanitary sewer and water are the most essential of urban services, but all Level I services and facilities are necessary and required for development at full density. In this district, there is an average lot size of five thousand (5,000) square feet.

2. Mixed Use Residential—Single-Family (MUR-S). Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements. MUR-S has a minimum density of six units per net acre and a minimum lot size of four thousand (4,000) square feet.

[...]

C. Development Standards. The development standards in Table 16.22.040-2 apply to all uses, structures, buildings, and development in the R-5, MUR-S Districts.

**Table 16.22.040-2 Development Standards for R-5 and MUR-S**

Standard	R-5	MUR-S
Residential density (maximum) <sup>1</sup>		
Single-family dwelling (attached or detached)	1 unit/5,000 sf	1 unit/4,000 sf
Duplex <sup>2</sup>	1 duplex /7,000 sf	1 duplex/6,000 sf
Triplex <sup>2</sup>	1 triplex/10,000 sf	1 triplex/9,000 sf
Residential density (minimum) <sup>1</sup>	None	6 du/net acre
Lot width (minimum)	40 feet	Variable <sup>4</sup>
Lot depth (minimum)	60 feet	Variable <sup>4</sup>
Street frontage (minimum)		
Single-family (attached or detached)		
Lots fronting on cul-de-sac	35 feet	Variable <sup>4</sup>
All other lots	40 feet	Variable <sup>4</sup>
Duplex		
Lots fronting on cul-de-sac	80 feet	Variable <sup>4</sup>

<b>Standard</b>	<b>R-5</b>	<b>MUR-S</b>
All other lots	80 feet	Variable <sup>4</sup>
Triplex		
Lots fronting on cul-de-sac	100 feet	Variable <sup>4</sup>
All other lots	100 feet	Variable <sup>4</sup>
Lot coverage (maximum)		
Single-family (attached or detached)	50%	Variable <sup>4, 5</sup>
Duplex or triplex	60%	Variable <sup>4, 5</sup>
Building setbacks (minimum)		
Front	10 feet	<b>10 feet</b> Variable <sup>4</sup>
Rear	15 <b>20</b> feet	<b>20 feet</b> Variable <sup>4</sup>
Interior side	5/0 feet <sup>3</sup>	<b>5/0 feet</b> Variable <sup>3/4</sup>
Street side (corner lot)	8 feet	<b>8 feet</b> Variable <sup>4</sup>
Garage and carport entrances		-
Entrances not facing an alley	20 feet	20 feet Variable <sup>4</sup>
Entrances facing an alley	6 feet	6 feet Variable <sup>4</sup>
Building height (maximum)	45 feet <sup>6</sup>	65 feet <sup>6</sup>
NOTES:		
<sup>1</sup> Density calculations shall be made pursuant to Section 16.63.020(F).		
<sup>2</sup> Location: Duplexes and triplexes must be located on a corner lot or adjacent to the intersection of two streets.		
<sup>3</sup> Side yard setbacks for attached single-family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.		
<sup>4</sup> Standards <u>may be proposed for amendment by Master Plan, PUD or Design Review land use applications are flexible and shall be determined through the master plan process or a design review.</u>		
<sup>5</sup> Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.		
<sup>6</sup> The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.		

[...]

### **16.23.010 Mixed Use Commercial and Employment Districts.**

#### A. Purpose.

1. Mixed Use Commercial (MUC). Mixed use commercial will provide for convenience commercial needs of residential neighborhoods and office workers in locations adjacent to and mixed in with residential and office areas. The location of services and offices near residential units and major transportation networks should promote use of alternative modes of transportation such as bus ridership, bicycle and pedestrian activity. Retail uses should be primarily located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (i.e., retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.
2. Mixed Use Employment (MUE). The mixed use employment district will provide for development of office, employment and low density multifamily residential uses. The MUE neighborhood commercial subdistrict provides for neighborhood scale retail needs.
3. Regional Center Mixed Use (RCMU). The regional center mixed use district will provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable

sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development. The RCMU District implements the planned mixed use policies of the Clackamas Regional Center Area Design Plan.

B. Permitted Uses. Table 16.23.010-1 identifies the land uses that are allowed in the MUC, MUE and RCMU Districts.

**Table 16.23.010-1 Mixed Use Districts (MUC, MUE, RCMU) Permitted Uses**

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

Use	MUC	MUE	RCMU <sup>1</sup>
<b>Commercial—Retail Uses</b>			
Art and craft supply stores, studios	P	P	P
Bakeries	P	P	P
Banks, savings and loan associations, loan companies, ATMs	P	P	P
Barber shops, beauty salons	P	P	P
Bed and breakfast inns	P	P	P
Bicycle sales, supplies, repair service	P	P	P
Book stores	P	P	P
Camera stores	P	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P	P	P
Drug stores	P	P	P
Dry cleaners and tailors	P	P	P
Florists	P	P	P
Hardware and garden supplies	P	P	P
Home furnishing stores	P	P	P
Gift stores	P	P	P
Grocery, food, specialty foods, and produce stores	P	P	P
Hotels	P	P	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	P	P	P
Exercise and tanning studios	P	P	P
Interior decorating shops, sales and service	P	P	P
Laundromats	P	P	P
Music shops, sales and service	P	P	P
<b>Mobile Food Units</b>	<b>P<sup>6</sup></b>	<b>P<sup>6</sup></b>	<b>P<sup>6</sup></b>
Optometry and optical goods, sales and service	P	P	P



**Table 16.23.010-2 Development Standards for MUC, MUE and RCMU Districts**

<b>Standard</b>	<b>MUC</b>	<b>MUE</b>	<b>RCMU</b>
Residential density: <sup>1</sup>			
Low density (maximum)	24 du/net acre	24 du/net acre	24 du/net acre
Low density (minimum)	15 du/net acre <sup>2</sup>	15 du/net acre <sup>2</sup>	15 du/net acre <sup>2</sup>
Medium density (maximum)	34 du/net acre	NA	34 du/net acre
Medium density (minimum)	25 du/net acre <sup>2</sup>	NA	25 du/net acre <sup>2</sup>
High density (maximum)	50 du/net acre	NA	50 du/net acre
High density (minimum)	35 du/net acre <sup>2</sup>	NA	35 du/net acre <sup>2</sup>
Lot size (minimum)	Variable <sup>3</sup>	Variable <sup>3</sup>	Variable <sup>3</sup>
Lot width (minimum)	Variable <sup>3</sup>	Variable <sup>3</sup>	Variable <sup>3</sup>
Lot depth (minimum)	Variable <sup>3</sup>	Variable <sup>3</sup>	Variable <sup>3</sup>
Floor area ratio			
Nonresidential FAR (minimum)	0.25:1 <sup>4</sup>	0.25:1 <sup>4</sup>	0.25:1 <sup>4</sup>
Nonresidential FAR (maximum)	5:1	2:1	5:1
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable <sup>5</sup>	Variable <sup>5</sup>	Variable <sup>5</sup>
Building setbacks (minimum)	Variable <sup>3</sup>	Variable <sup>3</sup>	Variable <sup>3</sup>
Building height (maximum)	65 feet <sup>3</sup>	65 feet <sup>3</sup>	Variable <sup>3</sup>
NOTES:			
<sup>1</sup> Density calculations shall be made pursuant to Section 16.63.020(F).			
<sup>2</sup> Minimum density of eighty (80) percent of each sub-area is required.			
<sup>3</sup> Building height is measured pursuant to Chapter 16.12, Definitions. Standards are flexible and shall be determined through the master plan process or a design review.			
<sup>4</sup> Must include a shadow plan to establish future development.			
<sup>5</sup> Pursuant to Section 16.42.030, fifteen (15) percent of the net developable area must be usable open space.			
<sup>6</sup> <b>Pursuant to Section 16.69.030.</b>			

[...]

**16.23.020 Village Commercial and Village Office Districts.**

A. Purpose.

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

district allows for pedestrian friendly development with good connections via the sidewalks, trails and street system from residential areas to parks, open spaces, commercial and office uses.

B. Permitted Uses. Table 16.23.020-1 identifies the land uses allowed in the VC and VO Districts.

**Table 16.23.020-1 Village Office and Village Commercial (VO and VC) Permitted Uses**

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

Land Use	VO	VC
<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
Apartments or owner-occupied housing are permitted on upper stories. Up to two stories of apartments may be conditionally permitted as infill on surface parking lots, oriented toward the east-west street facing the Village Green. Any dwelling unit located on the second floor must have its own outside door; exterior staircases are not permitted.	X	P
<b>Commercial—Retail Uses</b>		
Antique and secondhand store	X	P
Art supply stores	X	P
Bakery	X	P
Bank teller, but not drive-in or drive-through service	P	P
Banks, credit unions, savings and loan, brokerage, and other financial institutions, including drive-thru facilities	C	C
Barber shop, beauty salon	X	P
Bars and cocktail lounge/tavern with OLCC IV or IV-A Minor posting where food service is included, if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and not located closer than one hundred (100) feet from a residential district or closer than five hundred (500) feet from a school	X	C
Bicycle sales, supplies, repair service	X	P
Book store	X	P
Camera store	X	P
Cafés and delicatessens which serve at least breakfast and/or lunch; catering services. No drive-through window service shall be allowed	P <sup>1</sup>	P
Clothing store	X	P
Coffee shop	P <sup>1</sup>	P
Confectionery stores	X	P
Drugstore	X	P
Dry cleaner, laundry, tailoring and alterations shop	X	P
Electrical/electronic equipment sales, service, repair	X	P
Fabric and dry goods stores	X	P
Florist	X	P
Gallery (art and craft)	X	P
General merchandise store	X	P
Gift store	X	P
Grocery and produce stores	X	P
Hardware and garden supplies store	X	P
Health club, gym	P	P
Helipad	X	X

<b>Land Use</b>	<b>VO</b>	<b>VC</b>
Home furnishings; interior decorating sales, service	X	P
Indoor commercial amusements including bowling alleys with no more than twelve (12) lanes, billiard halls with no more than six tables, and game rooms which provide no more than twenty (20) mechanical or electric games or science and skill, or any combination thereof	X	C
Jewelry store	X	P
Laundromat	X	P
Locksmith	X	P
Meat and fish markets	X	P
<b>Mobile Food Units</b>	<b>X</b>	<b>P<sup>2</sup></b>
Novelty store	X	P

[...]

**Table 16.23.020-2 Development Standards for VC and VO Districts**

<b>Standard</b>	<b>VC</b>	<b>VO</b>
Residential density (maximum)	None	NA
(minimum)	None	NA
Lot size (minimum)	None	None
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage (maximum)	50%	50%
Landscaping (minimum)	15%	15%
Setbacks (minimum):	Variable <sup>1</sup>	Variable <sup>1</sup>
Building height (maximum)	45 feet	45 feet
NOTES:		
<sup>1</sup> Standards are flexible and shall be determined through the master plan process or a design review.		
<sup>2</sup> Pursuant to Section 16.69.030.		

[...]

### **16.23.030 Commercial districts.**

#### **A. Purpose.**

1. Community Commercial Center District (CCC). The Community Commercial Center (CCC) District is intended to provide locations or “nodes” for a relatively wide range of small businesses, services and mixed use adjacent to residential areas as a convenience to nearby residents. The CCC District is to be located and developed in a manner consistent with the Comprehensive Plan. In order to limit impacts to residential areas, new community commercial center nodes are intended to be limited in size to not more than five acres of contiguous land.

Building size is also limited to a thirty thousand (30,000) square foot footprint, and measured in accordance with requirements of Table 16.23.030-2 (Footnote 5). Appropriate locations for community commercial center nodes are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets, and within the Happy Valley Town Center Plan Area.

2. Mixed Commercial Center District (MCC). This zone is intended to establish locations for the development of mixed use commercial centers providing a broad range of shopping and service requirements to meet neighborhood and city-wide needs. The Mixed Commercial

Center (MCC) District, as applied in the East Happy Valley Comprehensive Plan Area, corresponds to the Damascus/Boring Concept Plan’s designation of Neighborhood Centers. These mixed use centers in the East Happy Valley Comprehensive Plan area accommodate retail services with a focus on meeting resident’s daily shopping needs. They are planned to be well served by transit and be integrated with mixed use and higher density housing, thus supporting less auto-dependent lifestyles. These centers are also appropriate locations for civic uses such as post offices and branch libraries. Their design is intended to be highly pedestrian-oriented.

New mixed commercial centers are limited to an area of up to fifteen (15) acres of contiguous land and shall be developed in a manner consistent with the Comprehensive Plan, except as described in Table 16.23.030-2 (Footnote 6), within the East Happy Valley Comprehensive Plan Area. Single-use retail buildings are limited to a maximum square footage of sixty thousand (60,000) square feet as specified in Table 16.23.030-2 (Footnote 6). Appropriate locations for mixed commercial centers are at the intersection of two arterial streets or an arterial and a major collector, preferably on streets served by transit. All MCC developments involving five acres or more of land shall be subject to master plan review and design review. Prior to new development in an MCC District in the East Happy Valley Comprehensive Plan Area, master plan approval under Chapter 16.65 is required for the entire lot or parcel proposed for development, together with any contiguous lots or parcels owned by the same owner or entities controlled by the owner, consistent with the provisions of Table 16.23.030-2.

In the MCC District, buildings should be oriented towards the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (for example, retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.

B. Permitted Uses. Table 16.23.030-1 identifies the land uses that are allowed in the CCC and MCC Districts.

**Table 16.23.030-1 Community Commercial Center and Mixed Commercial Center (CCC, MCC) Permitted Uses**

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

Land Use	CCC	MCC
<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
Medium to high density residential	P <sup>1, 2</sup>	P <sup>1, 3</sup>
Senior housing	P	P
Skilled nursing facility	P	P
Congregate housing	P	P
Home occupations ( per Section 16.69.020)	P	P
Home occupations, subject to a conditional use review (per Section 16.69.020)	C	C
<b>Commercial—Retail Uses</b>		
Art and craft supply stores, studios	P	P
Bakeries	P	P
Banks, savings and loan associations, loan companies, ATM (without drive-through)	P <sup>4</sup>	P <sup>4</sup>
Banks, savings and loan associations, loan companies, ATM (with drive-through) (per Section 16.44.090)	C	P
Barber shops, beauty salons	P	P
Bicycle sales, supplies, repair service	P	P

<b>Land Use</b>	<b>CCC</b>	<b>MCC</b>
Book stores	P	P
Camera stores	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P <sup>4</sup>	P <sup>4</sup>
Drug stores	P <sup>4</sup>	P <sup>4</sup>
Dry cleaners and tailors	P <sup>4</sup>	P <sup>4</sup>
<b>Land Use</b>	<b>CCC</b>	<b>MCC</b>
Florists	P	P
Home furnishing stores	P	P
Gift stores	P	P
Grocery, food, specialty foods, and produce stores	P <sup>4</sup>	P <sup>4</sup>
Hotels	C	P
Helipads	X	X
Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C	P
Interior decorating shops, sales and service	P	P
Laundromats	P	P
Music shops, sales and service	P	P
<b>Mobile Food Units</b>	<b>P<sup>5</sup></b>	<b>P<sup>5</sup></b>
Optometry and optical goods, sales and service	P	P

**NOTES:**

<sup>1</sup> Residential uses on upper floors of mixed use buildings are permitted. In such cases, Notes 2 and 3 below do not apply.

<sup>2</sup> Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property.

<sup>3</sup> Residential uses at MUR-M2 densities (25—34 du/acre) in conjunction with nonresidential uses are permitted by this code. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the MCC zoned area of the parcel or subject property.

<sup>4</sup> Drive-through facilities not permitted for these uses, and all other uses, within the CCC zoned areas of the Happy Valley Town Center Plan Area.

<sup>5</sup>**Pursuant to Section 16.69.030.**

[...]

**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
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
<b>Mobile Food Units</b>		
Outdoor recreation, commercial	X/C <sub>9</sub>	X
Parking lot (when not an accessory use)	X	C/X <sub>7</sub>

<b>Land Use</b>	<b>EC</b>	<b>IC</b>
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>
Medical marijuana dispensaries <sup>10</sup>	C	C
<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 <sub>7</sub>
Helipads or heliports <sup>11</sup>	P	P
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 <sub>7</sub>
Radio frequency transmission facilities—Within height limit of district	P	P
Radio frequency transmission facilities—Exceeds height limit (freestanding or	C	C

Land Use	EC	IC
building-mounted facilities)		
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 Communications Facilities)	P/C	P/C
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

**NOTES:**

<sup>1</sup> Residential uses on upper floors of mixed use buildings are permitted.

<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.

<sup>3</sup> Uses are subject to the following limitations:

a. New uses:

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

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);

b. Existing 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.

<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.

<sup>5</sup> If not fully enclosed, must be located more than two hundred (200) feet from residential districts 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.

<sup>9</sup> Outdoor recreation facilities without permanent buildings are allowed as a conditional use within the EC zone.



<sup>10</sup> Medical marijuana distribution facilities are subject to the following conditions:

- a. Shall be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;
- b. Shall not be located within one thousand (1,000) feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;
- c. Shall not be located within one thousand (1,000) feet of another medical marijuana facility; and
- d. Shall install a security system, including a video surveillance system, alarm system and safe; and
- e. Shall test for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

<sup>11</sup> Subject to applicable FAA rules and regulations.

<sup>12</sup> Pursuant to Section 16.69.030.

## Chapter 16.32 STEEP SLOPES DEVELOPMENT OVERLAY ZONE

### **16.32.010 Purpose.**

Slope constrained lands are regulated by the steep slopes development overlay (SSDO). The purpose of the SSDO is to:

- A. Contribute to compliance with Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards). For Goal 7, **with exceptions**, the SSDO specifically minimizes seismic and landslide hazards and soil erosion associated with development on steep or unstable slopes.
- B. Regulate development and provide special protection on lands within "conservation slope areas" and "transition slope areas" as follows:
  1. Except as exempted pursuant to Section 16.32.045, development activities on conservation slope areas are prohibited. Except as allowed by Section 16.32.040(D)(1), conservation slope areas include:
    - a. Slopes twenty-five (25) percent and greater (for designation as conservation slope area, the minimum contiguous extent for slopes twenty-five (25) percent and greater shall be one thousand (1,000) square feet);
    - b. Potentially Hazardous Analysis Areas (lands within twenty-five (25) feet of the top or toe of slopes twenty-five (25) percent and greater);
    - c. Areas containing potentially rapidly moving landslide hazard areas mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI).
  2. Within transition slope areas, conservation and development are balanced. Except as allowed by Section 16.32.040(D)(2), transition slope areas include:
    - a. Slopes 15 to 24.99 percent (for designation as transition slope area, the minimum contiguous extent for slopes 15 to 24.99 percent shall be one thousand (1,000) square feet and the land must not be otherwise designated as a conservation slope area);
- C. Limit the potential residential density and facilitate transfer of development away from slope constrained lands. Within conservation slope areas and transition slope areas, a maximum density of two dwelling units per acre applies.
- D. Slope constrained lands in Happy Valley require special protection because they:
  1. Are generally more difficult and expensive to serve with urban infrastructure as compared to less steep lands;
  2. Provide wildlife habitat, tree canopy, and other environmental benefits;

3. Are located at the headwaters of watersheds that provide clean drinking water to downstream users, including Happy Valley residents;
4. Contribute to the scenic landscape of Happy Valley which is a strong part of the City's identity and livability;
5. Are often adjacent to regulated natural resource areas and/or public green spaces; and
6. Can, if developed, cause harm to persons and/or structures via stormwater runoff, landslide, mudslide, tree windthrow and other natural actions that may pose a hazard to the public health, safety and welfare.

**16.32.020 Applicability.**

**Unless excepted by the provisions of Section 16.32.045 of this title,** The he regulations of the steep slopes development overlay shall apply to any existing lot of record with slopes greater than fifteen (15) percent (with a minimum contiguous extent greater than one thousand (1,000) square feet), potentially hazardous analysis areas, and/or DOGAMI landslide hazard areas except as allowed by Section 16.32.040(D). This section shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit and per ORS 92.040, shall not apply to parcels or lots created within ten (10) years of April 21, 2009 ~~but shall apply to all existing lots of record and parcels or lots created more than ten (10) years prior to April 21, 2009.~~

The steep slopes development overlay will be overlaid on any and all applicable parcels within the City limits at the time of development application and, upon being overlaid, will take precedence in density calculations over the base zoning district illustrated on the City's Comprehensive Plan map/zoning map, and actual site specific conditions shall take precedence over any aerial topography mapping or other non-survey specific datum.

**16.32.030 General provisions.**

No person shall develop property in areas within the steep slopes development overlay without first demonstrating compliance with this section.

- A. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
- B. Where a bond, letter of credit, or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

**16.32.040 Designation of buildable lands.**

A. For the purposes of the SSDO, buildable lands include:

1. Lands not designated conservation slope area or transition slope area; ~~and~~
2. Buildable portions of transition slope areas according to the sliding scale as described in Section 16.32.040(D); ~~below.~~

**3. Isolated Conservation Slope or Transition Slope Areas as described in Section 16.32.040(D), below.**

B. In addition to the Happy Valley Steep Slopes and Natural Resources Overlay Zone Map, the text provisions of this section shall be used to determine whether applications may be approved within the SSDO. The following maps and documents may also be used as references for identifying areas subject to the requirements of this section:

1. Locally adopted studies or maps;
2. City of Happy Valley slope analysis maps;
3. Mapped DOGAMI potentially rapidly moving landslide hazard areas.

C. Sliding Scale. Transition slope areas are intended to provide for limited development in balance with slope protection measures, therefore, the amount of development within transition slope areas shall be based on a sliding scale of impact intended to allow limited development within those parcels that are more encumbered with sloped lands. The sliding scale determines the amount of buildable and unbuildable transition slope area for a given site as follows:

1. If a parcel has fifty (50) percent or more of its total site area in transition slope area and conservation slope area, a maximum of fifty (50) percent of the transition slope area is designated buildable and may be developed;
2. If a parcel has 20—49.99 percent of its total site area in transition slope area and conservation slope area, a maximum of forty (40) percent of the transition slope area is designated buildable and may be developed;
3. If a parcel has 0—19.99 percent of its total site area in transition slope area and conservation slope area, a maximum of thirty (30) percent of the transition slope area is designated buildable and may be developed.

D. Designation of Isolated Conservation Slope or Transition Slope Areas as Buildable. Through a Type II Environmental Review, an isolated pocket of conservation slope or transition slope Area on a property may be designated as buildable land. The applicant must demonstrate the following:

1. For Conservation Slope Areas ~~or for areas with a combination of Conservation Slope Area and Transition Slope Area:~~

- a. The contiguous extent of the area is three thousand (3,000) square feet or less;
- b. There are no other conservation slope areas or transition slope areas within fifty (50) feet; and
- c. The required special studies and reports have been prepared in accordance with Section 16.32.080, evaluating the site conditions and determining that the conservation slope area can be safely developed.

2. For transition slope areas **or for areas with a combination of Conservation Slope Area and Transition Slope Area:**

- a. The contiguous extent of the area is six thousand (6,000) square feet or less **and less than 50 percent of the area is within a conservation slope area;**
- b. There are no other conservation slope areas or transition slope areas within fifty (50) feet; and
- c. The required special studies and reports have been prepared in accordance with Section 16.32.080, evaluating the site conditions and determining that the transition slope area can be safely developed.

#### **16.32.045 Exceptions.**

A. An activity that avoids conservation slope areas and transition slope areas.

B. The following activities, regardless of location:

1. An excavation that is less than three feet in depth, or which involves the removal of a total of less than fifty (50) cubic yards of volume;
2. A fill that does not exceed three feet in depth or a total of fifty (50) cubic yards of fill material;
3. New construction or expansion of a structure resulting in a net increase in ground floor area of less than one thousand (1,000) square feet that does not involve grading;
4. Emergency actions required to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property, as determined by the public works director;
5. Any land use or activity that does not require a building permit or grading permit, or land use approval; or

**C. Development of employment, industrial or commercial uses on Employment, Industrial or Commercial designated lands that are not otherwise encumbered by the City's Natural Resource Overlay Zone (NROZ) and that abut an existing or planned Collector or Arterial roadway as illustrated within the City's Transportation System Plan (TSP).**

**D. Transition or conservation slope areas that are “man-made” or caused by past soil fill/removal and grading activities so long as required special studies and reports have been prepared in accordance with Section 16.32.080, evaluating the site conditions and determining that the slope area can be safely developed.**

~~C~~E. An activity that is determined by the planning official to be reasonably similar to the exceptions listed in this section.

**16.32.050 Permitted uses.**

A. **Unless excepted or exempt,** ~~p~~Permitted uses within ~~conservation slope areas and unbuildable transition~~ slope areas are limited to the following:

1. Open space and trails constructed consistent with the provisions of Title 16 of the Engineering Design and Standard Details Manual;
2. Removal of refuse and permitted fill;
3. Planting of native vegetation and removal of non-native/invasive species, dead or dying trees or vegetation that is hazardous to the public;
4. Construction, re-construction or expansion of public utilities and infrastructure (including both public roads and private streets) that is necessary to support permitted development;
5. Construction, re-construction or expansion of a single-family residence on a legal lot of record under the following prescribed conditions:
  - a. The applicant must demonstrate that the lot has received prior planning approval from either the City of Happy Valley, or if annexed, from Clackamas County, and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion;
  - b. The engineering, building permit, erosion control, water quality, and re-vegetation standards of this title have been fully satisfied;
  - c. The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation within the steep slopes development overlay area;
  - d. The maximum impervious surface coverage from development shall be three thousand five hundred (3,500) square feet. This standard may be exceeded to allow a private driveway design and location that reduces adverse impacts to protected areas if the applicant demonstrates that a longer driveway will facilitate driveway construction that will either more closely follow hillside contours, and thereby reduce overall cut and fill area by at least twenty (20) percent; or avoid tree clusters and thereby reduce by at least twenty (20) percent the number of trees (six-inch caliper at breast height or greater) that must be removed; and
6. Development shall not result in cuts or fills in excess of three feet except for basement construction unless specifically approved by the Building Official and City Engineer, and
7. Repair or stabilization of unstable slopes.

B. Permitted uses within the buildable lands, as defined by this title are limited to the following:

1. All uses **listed in subsection A** ~~above within conservation slope areas~~; and
2. Uses permitted in the base zone in approved buildable areas.

**16.32.060 Platting of new parcels or lots.**

**Unless exempted in Section 16.32.045, no** ~~N~~o new parcel or lot shall be platted or approved for development exclusively within conservation slope areas.

**16.32.070 Minimum buildable site size.**

~~The minimum buildable site size shall be equal to ten thousand (10,000) square feet.~~

**16.32.080 Required maps, studies, and reports.**

A. Maps. To determine the location of potentially slope constrained areas, the applicant shall submit a scaled topographic map at two-foot contour intervals for the subject property (site) for lands less than fifteen (15) percent in slope, and at five-foot contours for lands fifteen (15) percent and greater in slope and for land within one hundred fifty (150) feet of the site perimeter. This map shall be prepared by a licensed, professional engineer or land surveyor and shall show:

1. Slopes of twenty-five (25) percent and greater;
2. Potentially hazardous analysis areas, including the analysis area parallel to and within twenty-five (25) feet of the top of the twenty-five (25) percent slope break and the analysis area parallel to and within twenty-five (25) feet of the toe of the slope;
3. Mapped DOGAMI potentially rapidly moving landslide hazard areas;
4. Transition slope areas; and
5. The area (in square feet) for each category listed above for the subject property.

B. Studies and Special Reports. The City Engineer may require, when known or perceived site or area circumstances indicate such particular need, the submittal of one or more of the following studies and/or special reports for any permit or development located within the SSDO. The requirement for such studies will be in writing and will be tied to specific code standards, criteria and/or requirements:

1. Studies.
  - a. Geological Assessments. Geological assessments are prepared and stamped by a Certified Engineering Geologist and describe the surface and subsurface conditions of a site, delineate areas of a property that may be subject to specific geologic hazards, and assess the suitability of the site for development. Geological assessments shall be conducted and prepared according to the requirements and recommendations of the Oregon State Board of Geologist Examiners, and shall make recommendations as to whether further studies are required, and may be incorporated into or included as an appendix to the geotechnical report;
  - b. Engineering Geology Reports. Engineering geology reports are prepared and stamped by a Certified Engineering Geologist and provide detailed descriptions of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. Engineering geology reports shall be prepared in accordance with the requirements of the Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners and may be incorporated into or included as an appendix to the geotechnical report; and
  - c. Geotechnical Reports. Geotechnical reports are prepared and stamped by a Geotechnical Engineer, evaluate site conditions, and recommend design measures necessary to reduce the development risks and facilitate safe and stable development. Geotechnical reports shall be conducted and prepared according to the requirements and recommendations of the Oregon State Board of Geologist Examiners, and may be incorporated into or included as an appendix to the Engineering Geology Report.
2. Special Reports.
  - a. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading

procedures required to impose the minimum disturbance to the natural state. A licensed, professional engineer registered in Oregon shall prepare the hydrology and soils report;

b. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs, including but not limited to, locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices, shall form part of the submission. The grading plan shall also include: (i) construction phase erosion control plan consistent with the provisions of Title 15 of the City's Municipal Code; and (ii) schedule of operations. A licensed, professional engineer registered in Oregon shall prepare the grading and erosion control plan; and

c. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

C. Compliance with Study Conclusions and Recommendations.

1. Professional Standards. The City Engineer shall determine whether Geological Assessments, Engineering Geology Reports, or Geotechnical Reports have been prepared in accordance with this title. The City Engineer may require additional information or analysis necessary to meet study requirements.
2. Peer Review. The City Engineer may require peer review of any required report, in which case regulated activities and uses shall be reviewed and accepted through the peer review process before any regulated activity will be allowed. The cost of such peer review shall be borne by the applicant. If peer review is required, the City Engineer shall provide the applicant, in writing, the reasons for the peer review.
  - a. A professional or professional firm of the City's choice that meets the qualifications listed in this chapter shall perform the review.
  - b. The review shall be at the applicant's expense.
  - c. Review of report submittals shall determine whether required elements are completed, geologic report procedures and assumptions are accepted, and all conclusions and recommendations are supported and reasonable.
3. Review Criteria. The approval authority shall rely on the conclusions and recommendations of the required reports, as modified by peer review, as well as any rebuttal material supplied by the applicant, to determine compliance with this section.
4. Conditions of Approval. After review of the peer review report(s) and any rebuttal materials submitted by the applicant, conclusions and recommendations stated in approved reports shall be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.
5. Expiration. Where an approved assessment or report as defined by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall submit an amendment to the

required assessment or report, which may be reviewed and approved through the peer review process.

**16.32.0890 Environmental review permit.**

Development proposals that are subject to the provisions of Chapter 16.32 require an environmental review permit application. Environmental Review Permits will be reviewed through a Type II procedure, pursuant to Section 16.61.030.

**16.32.090100 Density and density transfers.**

Within conservation slope areas and transition slope areas, a maximum density of two dwelling units per acre applies. Except as exempted pursuant to Section 16.32.045, development activities on conservation slope areas are prohibited. Density calculations shall be made pursuant to Section 16.63.020(F). Density may be transferred from conservation slope areas and unbuildable transition slope areas to buildable portions of the parcel in accordance with the requirements of Section 16.63.020(F).

**16.32.1400 Site design criteria.**

Development within the SSDO shall comply with the following site design criteria:

- A. Development is sited on lands less than fifteen (15) percent slope lands within the same parcel or on other parcels which are a part of the application, to the greatest degree practicable;
- B. Significant trees and other resources are protected and/or incorporated into the site design;
- C. Lands that remain undeveloped are coordinated with open space in adjacent parcels and natural resource areas, so that such areas, in combination, form as continuous an open space system as is practicable;
- D. Opportunities for linking wildlife corridors and pedestrian trails are implemented;
- E. Provision of access and internal circulation routes are as short as possible and designed to work with the natural topography, maintain minimum grades and require minimum cut and fill;
- F. Creation of open space tracts between proposed developments and existing developed parcels or open space tracts shall be coordinated so that such areas, in combination, will form as continuous an open space system as is practicable; and
- G. Opportunities for shared access are utilized wherever practicable, and if possible may be required by the City Engineer pursuant to Section 16.41.030, Vehicular access and circulation. A variance to vehicular access and circulation standards may be granted pursuant to Section 16.71.040, Class B variances.

[...]

**16.42.030 Landscaping standards.**

A. General Requirements for Landscaping.

1. Where landscaping is required by this code, a detailed landscape design plan in accordance with Section 16.42.030(C) shall be submitted for review with development applications. No development may commence until the Planning Official or Planning Commission has determined the plans comply with the specific standards of this section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a certificate of occupancy.
2. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the joint and several right and responsibility of the property owner, tenant, and their agent, if any, unless otherwise provided by the lease agreement, or City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within four months. Landscaping shall be maintained in a condition which presents a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.

3. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees that are six inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant pursuant to Section 16.42.050. Plants to be saved and methods of protection shall be indicated on the detailed landscape plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the drip line.

4. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility.

5. Landscaped areas may include architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas interspersed with planted areas, and on-site natural features which are retained and improved. The exposed area developed with such features shall not exceed twenty-five (25) percent of the required landscaped area. This area may be developed into pedestrian amenities, including, but not limited to, sidewalk cafés, seating, water features and plazas, as approved by the Planning Official or designee or the Design Review Board. Artificial plants are prohibited in any required landscaped area.

6. Balconies required for entrances and exits should not be considered as landscaped areas except where such exits and entrances are for the sole use of the unit.

7. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

8. Driveways and parking areas shall not be included as landscaped area.

9. All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, or buildings shall be landscaped.

10. Topsoil and Cover Planting.

a. During construction, sufficient topsoil and overburden shall be stored on the property in a stabilized condition at an isolated location to restore graded or backfilled areas. Such areas shall be covered with not less than eight inches of topsoil of at least equal quality to that removed, provided that if the average depth of the topsoil prior to excavation was less than eight inches, then the depth required need not exceed such lesser average.

b. Upon replacement of topsoil, the developer shall provide groundcover selected by the developer adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development. Such groundcover will be identified by the developer on the site plan at the time of site plan review or preliminary approval of a partition, subdivision, PUD, or nonresidential development.

11. Final public infrastructure inspection and authorization to submit building permits may occur prior to the landscaping requirements having been met, provided that the City has received bonding or other assurances to cover the cost of required public improvements, in accordance with Section 16.50.080.

B. Area Required. The following minimum lot area shall be landscaped for the following uses:

1. Duplexes, triplexes and fourplexes: twenty (20) percent;
2. Multifamily dwellings containing five or more units: twenty (20) percent;
3. Nonresidential uses, e.g., commercial, industrial, institutional, or civic: fifteen (15) percent.

C. Landscaping Plan Requirements.

1. The applicant shall submit a preliminary landscape design plan which includes:



- a. Location of underground irrigation system sprinkler heads where required by the City;
- b. Location and height of fences, buffers and screening;
- c. Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common open areas;
- d. Location, type, size and species of existing and proposed plant materials; and
- e. A narrative which addresses soil conditions and erosion control measures that will be used;
- f. Proposed location(s) and design of trash receptacles, clustered mailboxes per the provisions of the Americans with Disabilities Act and implementing federal regulations as well as the accessibility provisions of the Oregon Structural Specialty Code, newspaper boxes, and entry features or signs;
- g. Any trees over six inches in diameter at four feet in height proposed to be removed;
- h. The approval standards shall be the applicable standards contained in this section.

D. Parking Lot Landscaping.

1. Except for a residential development that has landscaped yards, parking facilities shall include landscaping to cover not less than fifteen (15) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and groundcovers.
2. Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required. Where not otherwise specified by district requirement, screening along a public right-of-way and the parking area perimeter shall include a minimum ten (10) feet depth of buffer plantings adjacent to the right-of-way and along the perimeter of the parking area except when the perimeter of the parking area is within a commercial center or part of shared parking area, where a buffer is not required.
3. When parking in a commercial or industrial district adjoins a residential zoning district or use **that is not comprised of a landscaped open space tract owned and maintained by the public or a Homeowner's Association providing for sight obscuring screening along the length of the subject site**, a sight-obscuring screen that is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening. Screening options may include landscaped earthen berms, solid wood fences or masonry walls with landscaping, or a combination of landscaping and construction materials that provide sight and sound abatement at the time of building occupancy.
4. Parking areas shall be divided into bays of not more than eight spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of seventeen (17) feet for a single depth bay and thirty-four (34) feet for a double bay. Each planter shall

[...]

**16.42.050 Tree cutting and preservation.**

A. Purpose. The purpose of this section is to regulate the removal and preservation of trees and to protect trees as a natural resource of the City. It is the intent of this section to allow the prudent management of trees by individual property owners and developers where such management is in keeping with the purposes of this section.

B. Tree Removal Permits.

1. No person shall remove a tree, as defined in this section, without first obtaining a tree removal permit from the City. Permits shall be either a Type A permit or a Type B permit.
2. All tree removal permit fees shall be determined by resolution of the City Council.

3. The City may impose additional conditions in writing upon approval of a Type A or B tree removal application such as the time and nature of the removal, mitigation measures, erosion control or other reasonable conditions.
4. Tree removal fees (per tree) for trees determined to be located within the development envelope and associated tree impact zone around the development area, and for hazard trees (dangerous, diseased or dying) shall be waived. This waiver shall not include the filing fee.
5. All removal work commenced after the issuance of a tree removal permit, including, but not limited to, the removal and disposal of trees and debris permitted to be removed, shall be completed within ninety (90) days after the issuance of a tree removal permit.

C. Type A Permits.

1. Type A permits are required if all of the following criteria are met:
  - a. The applicant proposes to remove a maximum of three trees;
  - b. The property is intended for, or occupied by, a single-family dwelling;
  - c. The property is exclusively used for single-family residential uses, with or without accessory uses permitted under the LDC;
  - d. The property does not contain trees protected as a condition of approval of development pursuant to the LDC; and
  - e. The property for which the tree removal permit is sought is located in a residential zone.
2. An application for a Type A tree removal permit shall be made upon forms prescribed by the City. Upon submittal of the required application a representative of the City may make a site visit prior to issuance of the permit to verify the information contained in the application. The application for a permit shall contain at a minimum:
  - a. The number, size, species and location of trees to be cut;
  - b. The time and method of cutting or removal;
  - c. A site plan or sketch depicting where each individual tree sought to be removed and each replacement tree, if any, is located;
  - d. A statement of the reason for cutting or removal;
  - e. Information concerning any proposed mitigation or landscaping measures to be taken to replace the tree(s) that is (are) to be removed;
  - f. Any erosion control measures that are to be implemented;
  - g. Any other relevant information that may be required by the City.
3. The following procedure shall be followed for Type A permits:
  - a. By submission of an application, the applicant shall be deemed to have authorized City representatives access to the property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit have been followed;
  - b. Upon application for a tree removal permit, the applicant shall clearly mark all trees requested for removal. Trees may be marked by colored tape, paper or any other clearly identifiable marking. A representative of the City may then make a site visit to examine the trees requested for removal;
  - c. Within seven working days, the City shall notify an applicant if the application is deemed complete or not complete. Within ten (10) working days of the submission of a complete or completed Type A application, the City shall grant or deny the application.
4. Type A permits shall be evaluated based upon the following criteria:
  - a. It is the intent of this section to allow the prudent management of trees where such management is in keeping with the purposes of this section. Type A permits shall be granted upon a showing that tree removal is consistent with prudent management of trees, does not constitute a hazard to property or other necessary uses and does not negatively affect scenic, ecological, wildlife or similar values.

5. No property for which a Type A permit has been granted may be the subject of an application for a subsequent Type A permit for a period of twelve (12) months; provided, however, that this limitation may be waived by the City upon a showing of extreme hardship or exigent circumstances. Tree removal permits shall be valid for a period of ninety (90) days. If tree removal work has not commenced within ninety (90) days, a new permit must be applied for.
6. An applicant for a Type A permit is responsible for obtaining all necessary State and Federal permits that may, in addition to City approvals, be required for a tree removal proposal. This includes abiding by State and Federal wildlife protection laws.

#### D. Type B Permits.

1. Type B permits are required for all circumstances where the criteria for a Type A permit are not met.
2. Type B permit applications shall contain all information required for a Type A application as provided in subsection C above. In addition, a Type B application shall include:
  - a. A tree survey prepared by a certified arborist, or other qualified landscape specialist as approved by the City, which describes size, species, health and condition of trees, and a map at a minimum scale of one inch equals one hundred (100) feet, that locates trees on the property. Tree surveys are not required for dead or dying trees, or for trees located within the development envelope (**public right-of-way, utility easements, stormwater detention facilities, conceptual building envelopes based on underlying zone setbacks, etc.**) and associated tree impact zone around the development area. Drainageways, wetlands and surface water features shall also be identified on the map, unless waived by the Planning Official or designee;
  - b. A Tree Removal Plan. The plan shall identify each tree to be removed, describe protective fencing or markings around other trees or spaces to protect surrounding vegetation, and shall map proposed mitigation and erosion control measures. In addition, the plan shall designate grade changes, if any, proposed for the property;
  - c. All trees removed pursuant to a Type B permit shall be replaced on a basis of up to three trees replanted for each tree removed, quantity to be determined by the Planning Official or designee. Mitigation requirements shall not apply to trees removed that are identified by a certified arborist as dead or dying. An arborist report is not required if the Planning Official or designee can easily determine that the tree(s) in question are dead or dying. For Type B permits, the City may require that replacement trees have shade or erosion control potential or other characteristics comparable to or greater than the removed trees. Replacement trees shall be appropriately chosen for the site from an approved tree species list supplied by the City (see Appendix A), or as approved by a representative of the City, and shall be nursery Grade No. 1 or better. All replacement trees shall be at least one and three-quarter inches (bag and burlap) in diameter at breast height (dbh), as measured by caliper method **for non-wetland or riparian corridor mitigation area sites. Within wetland or riparian corridor mitigation sites, trees may be bare-root or greater. The preparation of lands for tree planting (e.g. removal and control of non-native species via a submitted management plan) may count for up to two thirds of the required mitigation ratio.** The City may review and modify tree replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. Where it is not feasible or desirable to relocate or replace trees on site, relocation or replacement may be made at an approved alternate public **or private** property in the City, or the property owner, builder or developer may make financial contribution to the City's "Tree Bank" equal to two hundred fifty dollars (\$250.00) per tree, **for the actual number of trees removed. If weather/irrigation conditions do not support planting of the mitigation trees, the builder or developer**

**may secure the mitigated number of trees with a City approved financial security (bonds, irrevocable letters of credit, bank set-asides, cash, etc.).**

3. The following procedure shall be followed for Type B permits:
    - a. By submission of an application, the applicant shall be deemed to have authorized City representatives access to the property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit have been followed. All trees are to be clearly marked by the applicant for inspection by a City representative, prior to removal;
    - b. Within thirty (30) days, the City shall notify an applicant if the application is deemed complete or not complete.
    - c. No property for which a Type B permit has been granted may be the subject of an application for a subsequent Type B permit for a period of twelve (12) months; provided, however, that this limitation may be waived by the City upon a showing of extreme hardship or exigent circumstances.
  4. Type B permits shall be evaluated based upon the following criteria:
    - a. It is the intent of this section to allow the prudent management of trees where such management is in keeping with the purposes of this section. Type B permits shall be granted upon a showing that tree removal is either:
      - i. Necessary for the construction of a building, addition, structure or other approved site improvement, and there is no feasible or reasonable alternative option for such improvement which would not require removal of trees; or
      - ii. Necessary to remove a tree or trees that is/are diseased, damaged or in danger of falling, or which present(s) a hazard to people or adjacent property; or
      - iii. Necessary to provide safe and adequate access to utility service, utility drainage or right-of-way.
  5. Tree removal from forested lands outside of commercially viable tree farms pursuant to the definition of “tree farm” preceding building construction or land development activities is prohibited. Tree farms and fruit or nut orchards that can demonstrate current commercial growing and harvesting operations shall be excluded from the provisions of this title, except where the removal of trees would create a significant increase in erosion as determined by the City Engineer, in which case a Type A or Type B permit shall be required.
  6. An applicant for a Type B permit is responsible for obtaining all necessary State and Federal permits that may, in addition to City approvals, be required for a tree removal proposal. This includes abiding by State and Federal wildlife protection laws.
- E. Tree Removal in Conjunction with Subdivision Construction, Planned Unit Development (PUD) Construction, Land Partition Construction or Nonresidential Construction.
1. A Type B permit must be obtained prior to tree removal of any kind in connection with a subdivision, PUD, land partition or nonresidential construction project.
  2. At no time shall trees be removed from open spaces in a development, except under circumstances of danger, or threat to life and property as determined by a representative of the City. Individual trees that are to be removed during construction of a development shall be clearly identified on the tree removal plan, and must receive approval from the City. The plan shall illustrate typical building envelopes as allowed by the required yard setbacks of the underlying development district or actual building envelopes at the discretion of the Planning Official or designee, particularly for multifamily, institutional, commercial or industrial developments; easements; or any other structural development constraints, and shall be based on the final grading plan. All trees proposed for removal must exist within grading areas for public rights-of-way and public infrastructure and utility areas, pursuant to Section 15.12.050 of the Happy Valley Municipal Code, including stormwater detention facilities pursuant to Section 16.50.060 of this Code; and, within the potential or actual building envelope.

a. Optimal Tree Protection Zone. The minimum distance from the center of a tree to the disturbance line shall be one-foot of radius per inch of diameter at breast height (dbh), as measured four and one-half feet above the uphill side of the tree. Within these parameters, no more than thirty-three (33) percent of the area may be disturbed, though with healthy vigorous trees, up to fifty (50) percent of the area may be disturbed if supported by a certified arborist.

b. A tree that is adjacent to a public right-of-way, public infrastructure and utility area; or potential or actual building footprint shall be retained only if protected within the Optimal Tree Protection Zone as defined above. Within the portion of the Optimal Tree Protection Zone that is being protected, a substantial fence or barrier shall exist. Within the fenced area, no soil disturbance, including stripping, is permitted. The natural grade is to be maintained, and no storage or dumping of materials, parking, etc. will be allowed within this protection area. The protection area fence or barrier shall remain in place through the construction of the structure. If excavation is proposed within the Optimal Tree Protection Zone (outside of the fenced off of protection area), tree roots shall be pruned along excavation lines in the following manner:

- i. Excavation in the top twenty-four (24) inches of the soil in the critical root zone area should begin at the excavation line that closest to the tree;
- ii. Excavation is to occur with a hand shovel or a backhoe accompanied by a person with a shovel, pruning shears and a pruning saw;
- iii. When shoveling, all roots one-inch diameter or larger shall be pruned at the excavation line. When a backhoe is utilized, the operator starts the cut at the excavation line and if encountering roots or resistance, has the person with the shovel/shears/saw prune the roots larger than one-inch diameter;
- iv. Backhoes are to remain off of the roots to be saved at all times; and,
- v. All excavation work within the Optimal Tree Protection Zone (outside of the fenced protection area) shall be accomplished under the supervision of a certified arborist.

c. The **review body** ~~Planning Commission~~ shall determine the tree mitigation ratio for all tree removal as detailed within Section 16.42.050(D) ~~(except for partitions)~~, with a maximum ratio of three trees to one removed. ~~The Planning Official or designee shall determine the tree mitigation ratio for all tree removal in conjunction with a partition application, as detailed within Section 16.42.050(D), with a maximum ratio of three trees to one removed.~~ All clearing limits and trees requested for removal must be clearly marked on site prior to any construction or tree removal of any kind, and shall be visually confirmed by a representative of the City. Failure to make such markings, or proceeding with clearing outside areas identified by such markings without approval by the City will constitute a violation of this section.

3. Individual lots that are created by construction of a subdivision, PUD, land partition or nonresidential construction shall be subject to a separate Type A or Type B permit for the removal of trees from such individual lot beyond those removed pursuant to the subdivision, PUD, land partition or nonresidential tree removal permit as described in subsection (E)(2) of this section. These “secondary” Type A or B permits shall be separate from the original preliminary tree removal plan included with the development application and final tree removal plan submitted in conjunction with construction plans. The individual lot owner, occupant or agent will be responsible for obtaining a permit for the removal of any trees from a lot created by a final plat. Removal of trees outside of the areas approved as part of the original subdivision, PUD, partition or nonresidential tree removal plan shall be permitted only upon demonstration by a certified arborist that retention of trees within these areas represents a significant hazard to public health, safety and welfare, including potential damage to structures, or maintains a “view corridor.” Review and approval of said arborist report shall be

the responsibility of the Planning Official and City Engineer (or designees). The Planning Official or designee shall determine the tree mitigation ratio for all tree removal as detailed within Section 16.42.050(D), with a maximum ratio of three trees to one removed.

4. Removal of trees will not be allowed within thirty (30) feet of the high water mark on either side of an identified drainageway. An identified drainageway shall be one that is identified on a United States Department of the Interior Geological Survey 7.5 Minute Quadrangle Map (“U.S. Geological Survey Map”). No tree may be removed from an identified drainageway unless such tree is determined by a City representative to be a dangerous tree. For any drainageway that is not identified upon the United States Geological Survey Map, the permittee shall have the burden of demonstrating that the tree removal sought will not cause or contribute to erosion. The City may require that added erosion control measures be implemented to prevent erosion. The City may require additional documentation substantiating a claim of dangerous circumstances alleged to necessitate the removal of trees from within an identified drainageway. This request for information may include, but is not limited to, a certified arborist report confirming the danger posed by the tree(s) in question.

F. Emergency Permits. If any tree presents an immediate danger of collapse, posing a clear and present hazard to persons and/or property, such tree may be removed without formal application for a Type A or B permit and the payment of a tree removal permit fee may be waived by **the Planning Official or designee a representative of the City**. For the purposes of this section, “immediate danger of collapse” means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage before a tree removal permit can be obtained through the nonemergency process. The tree owner should photograph the tree showing emergency conditions and then may proceed with the removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days after such removal, the tree owner shall apply for a retroactive emergency tree removal permit. If the evidence and information presented by the tree owner do not meet the criteria for an emergency tree removal permit set forth in this section, the owner shall be subject to penalties as set forth in subsection H of this section. Tree removal permit application fees may also be waived by a representative of the City after the emergency condition has been adequately verified.

G. Creation and Preservation of View Corridors.

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**16.42.060 Fencing, walls and screening.**

A. While fencing, walls or screening is not uniformly mandatory for all residential development, perimeter street fences, walls and earthen berms along arterial or collector streets in residential districts have significant visual impacts, particularly with respect to traffic safety, site visibility and design aesthetics affecting major transportation corridors. Therefore, perimeter street fences, walls, berms and required landscaping (between a new fence required by Table 16.42.060-1 and the public right-of-way) shall be installed by the developer prior to the issuance of structural building permits according to the standards listed in Table 16.42.060-1:

**Table 16.42.060-1 Arterial and Collector Street Frontage Screening**

<b>Project Character</b>	<b>Development Standard</b>
Arterial or collector frontage— double front loaded (garage and front door facing interior street)	Option 1: Masonry or brick walls treated with anti-graffiti sealant
	Option 2: Solid wood fence with masonry or brick columns (maximum spacing of 24 feet between columns) with cap board and treated with anti-graffiti sealant

	Option 3: Solid earthen berms no greater than 25 percent in slope, with stabilizing landscaping on all areas of the slopes, and subject to the landscape plan design and construction standards of this title
	All fences, walls or berms shall be six feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If a fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.
<b>Project Character</b>	<b>Development Standard</b>
Arterial or collector frontage—rear loaded (front door facing arterial or collector, garage facing interior street)	Option 1: Masonry or brick walls
	Option 2: Decorative metal fence with masonry or brick columns
	Option 3: Solid wood fence with cap board
	All fences shall be at least four feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If the fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.

B. Criteria. When reviewing all proposals for partitions, subdivision of land or planned unit development, or multifamily projects, the approval authority shall determine the need and desirability of fencing or screening within the development site area. The review body, may at its discretion, condition the fencing/screening along collector or arterial street frontage per one of the three design options listed in Table 16.42.060-1. In its consideration, the approval authority shall use the following criteria:

1. The intended use for the area;
2. Surrounding uses and existing fence, wall or berm sections, their design, materials and appearance;
3. The impact of the intended use upon surrounding uses and vice versa;
4. The need for fencing or screening to reduce the amount of use conflicts, noise, wind, dust, vision and other forms of pollution and conflicts;
5. The need and desirability for the replacement of trees removed from the site as a result of the proposed development.

C. All fencing, walls or screening shall be subject to the following standards and requirements:

1. Side and Rear Setback Areas. In any residential district, a “stand-alone” fence or decorative wall not to exceed six feet in height may be located or maintained within the required interior side or rear yards. For exterior side yards within corner lots, a maximum six-foot tall fence or decorative wall may exist within the exterior side yard to the point of the front building line, or the presence of any site visibility area and/or easement, whichever occurs first. However, a fence which is structurally engineered by determination of the

Building Official and receives a building permit may be constructed to a maximum height of eight feet. Grading and design requirements for fencing, walls or screening are subject to applicable provisions of Section 16.50.100 of this title.

2. Front Property Setback Areas. Within any required front yard, a maximum four-foot tall fence or decorative wall may exist within the front yard, unless located within a site visibility area and/or easement, in which case said fence or decorative wall shall not exceed two and one-half feet in height.

3. In any district, trees, shrubbery, berms, arbors, trellises and similar landscape features are permitted in all required yards provided that on corner lots no object or planting shall obscure vision between the vertical heights of two and one-half feet and eight feet, as measured from the adjoining curb elevation, for the triangular area which has sides extending from the corner of the property in either direction, the same distance as the front yard setback requirement for that district.

4. Height and Opacity. Where landscaping is used for required screening, it shall be at least six feet in height and at least eighty (80) percent opaque, as seen from a perpendicular line of sight, within two years following establishment of the primary use of the site. Landscaping that provides a buffer between a commercial or industrial structure that is within one hundred (100) feet of the property line of a residential zone or use shall provide solid sight and sound elements such as earthen berms, solid wood fences, or masonry walls. Chain-link fencing with slats shall not qualify as a solid sight and sound element.

5. Chain Link Fencing. A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with this section.

6. The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.

7. Earthen berms up to six feet in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with groundcover, shrubs, and trees.

8. Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

9. Fence height restrictions do not apply to public utility fences, "deer fences" or similar fences constructed of "wire mesh" type products, baseball backstops, or chain link fences enclosing schools and playgrounds.

**10. Fencing along open space tracts and conservation easements shall comprise of either split rail vinyl or stained cedar. Fencing along stormwater detention facilities shall be six-foot tall, black, vinyl-coated chain link or the most current requirement of Clackamas County Service District No. 1.**

#### **16.44.055 Accessory uses and structures.**

An accessory use shall comply with all requirements of a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

A. Fence limitations shall be as follows:

1. No fence constructed or installed on an interior or rear property line shall exceed the height of six feet unless said fence is structurally engineered and receives building permit approval. In such cases, a fence may be constructed to a maximum height of eight feet. Evergreen or shrubbery planting may be maintained on such property lines when the neighbor is agreeable thereto.

2. A fence located in a required front yard shall not exceed a height of two and one-half feet measured from the curb elevation or required side yard on the street side of a corner lot, forward of the front yard setback, shall not exceed a height of six feet. However, in all



scenarios involving inadequate clear vision caused by fence construction on a corner lot, the fence shall either be relocated, or shall be limited to a maximum height of two and one-half feet measured from the curb elevation. Where adequate vision clearance exists at driveways, the Planning Official or designee may set the height of said fence.

3. Fence height restrictions do not apply to public utility fences or to chain link fences enclosing school and public playgrounds.

B. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

C. A separated garage, accessory storage structure larger than a “shed” (two hundred (200) square feet in size and fourteen (14) feet in height), play structure, treehouse, workshop building, etc., may be constructed accessory to a primary dwelling. Accessory structure building height, as measured by this title, shall not exceed fifty (50) percent of the height of the primary structure or twenty-six (26) feet, whichever is higher. Treehouse height shall be measured from the floor level. Accessory structures require conformance with the underlying development district setbacks, lot coverage and all other applicable development standards. Treehouses of this size shall require submittal of an arborist’s report and structural engineering calculations demonstrating that the tree(s) and structure will support the load of the treehouse.

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 Appendix G of the Oregon Residential Specialty Code.

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. **Covered porticos (commonly referred to as “outdoor rooms”), may be located within a required rear yard provided that a minimum 10-foot setback is maintained between the covered portico and**

**the rear property line.** Habitable floor area or accessory storage area shall not be considered an accessory building component.

F. A covered front porch that equals a minimum of twenty (20) percent of the lineal frontage of the front building line may be placed in front yard of a residence provided that no part of the porch (excluding eaves) is closer than fifteen (15) feet to a front property line. 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.

G. Athletic Court or Facility. Athletic courts or facilities, typically associated with expansive single-family residences, take many forms, including those constructed for tennis, full-court basketball, volleyball, etc. Although a specific land use action is not associated with the review of sport courts, a building permit is required, which in turn requires signature by the Planning Official or designee, and shall be evaluated according to the following criteria:

1. Lighting Plan. The applicant shall submit a photometric lighting plan delineating the relationship between exterior lighting, the subject site, and surrounding residential properties within two hundred (200) feet.
2. Storm Water Management. The applicant shall be subject to the rules and requirements of Clackamas County Service District No. 1 (Water Environment Services).
3. Screening and Buffering. For athletic courts or facilities over two thousand (2,000) square feet in size, the applicant shall provide a minimum ten (10) foot wide landscaped buffer between the athletic court or facility and abutting residential properties. For all athletic courts or facilities, the applicant shall provide a landscape plan that illustrates planting materials, sizes, and overall design (which may include lawn), to include a minimum six-foot tall solid wood fence, cyclone fence with slats, or a solid vegetative screen on property lines surrounding the athletic court or facility that abut residential development.

[...]

#### **16.67.070 Annexations.**

A. Except as provided in subsection B of this section, when a property or area is annexed to the City from unincorporated Clackamas County with an accompanying Clackamas County Comprehensive Plan designation and zone, the action by the City Council to annex the property or area shall include an ordinance to amend the City's Comprehensive Plan map/zoning map to reflect the conversion from the County designation/zone to a corresponding City designation/zone, as shown in Table 16.67.070-1 below.

**Table 16.67.070-1 Land Designation Conversion Table**

<b>Clackamas County Zone</b>	<b>City of Happy Valley Zone</b>
<b>Urban/Rural Residential</b>	
R-2.5	SFA
R-5	R-5
R-7	R-7
R-8.5	R-8.5
R-10	R-10
R-15	R-15
R-20	R-20
MR-1	MUR-M1
MR-2	MUR-M2
HDR	MUR-M3
RA-2	R-15
FU-10	*
<b>Natural Resources</b>	
EFU	*
<b>Commercial</b>	
NC	MUE
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC
RCHD	MUR-M2
<b>RTL</b>	<b>MUC</b>
OA	MUC
PMU-6	RCMU
<b>Industrial</b>	
LI	IC
GI	IC
BP	EC
<b>Special Districts</b>	
OSM	IPU
<b>Sunnyside Village</b>	
VR-4/5	R-5
VR-5/7	R-5
VCS	IPU
VA	MUR-M1
VO	VO
VTH	VTH
*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would be determined by the Planning Official based on surrounding Comprehensive Plan designations/zoning districts and a Transportation Planning Rule-compliant Traffic Impact Analysis.	

[...]

### **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 twenty-four (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, **but are permitted, as restricted, within the commercial and industrial district use tables found within this Title.**
2. Accessory Items and Structures. Trash receptacles for customer use shall be maintained no more than ten (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 two hundred (200);
  - b. A maximum of two storage buildings, provided that the combined square footage does not exceed two hundred (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 two hundred (200) square feet per mobile vending unit and that no single structure exceeds two hundred (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. Ten (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 ~~fifteen (15)~~ **20** feet.
5. Screening. If the mobile food unit site is located less than ~~twenty (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, **continuous, sight-obscuring** structure, a fence, or a hedge;

- b. **If new, Sshall be a continuous, sight-obscuring vegetative screen; and or if fencing is utilized as screening, shall be stained cedar or ornate metal. Chain-link fencing with slats shall not qualify as acceptable screening material.**
    - 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 ten (10) feet from loading areas, driveways, on-site 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 on-site 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 on-site 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 one hundred twenty (120) days in a calendar year. For the purpose of this exception:
      - i. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent on-site by each unit.
      - ii. 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.~~ **For four carts or less, Pportable toilets and hand-washing facilities are permitted but may not drain to the surface. For five carts or more, utilization of existing restrooms within an existing building may be utilized, or if new, permanent restrooms shall be constructed.**
  14. Sewage Disposal. Subsurface sewage disposal is prohibited.
  15. **Central pavilions. Subject to Section 16.69.030.E.3, outdoor seating areas, which may have roofs, floors, walls, railings, etc. are permitted, provided that the combined**

**square footage does not exceed two hundred (200) square feet per mobile vending unit and that no single structure exceeds 5,000 square feet in size.**

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 subsection 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.
6. 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 with Section 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 subsection (C)(2) of this section may be reviewed in accordance with Section 16.61.035 Type II-DR procedure (administrative).
3. ~~More than four carts~~ **Five or more 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 Section 16.61.045 Type III-DR procedure (quasi-judicial). **New structures greater than 200 square feet in size shall be subject to the Happy Valley Style Appendix "B"**.

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 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 on-site structures,
  - e. The type and location of any proposed on-site utility connections for mobile food units,
  - f. The location of existing loading areas, driveways, on-site 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 **The approval body** 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 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, **Type II** application.

I. 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.
3. 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.

(Ord. 443 § 1, 2013)

TY OF HAPPY VALLEY  
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DEPT OF

JUN 15 2015

LAND CONSERVATION  
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