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**16.04.010 Title.**

This title and its chapters shall be known and may be cited and referenced as the "City of Happy Valley, Oregon, Land Development Ordinance." (Ord. 97 § 1, 1986)

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#### **16.04.020 Purpose.**

Based on consideration of the character of the city, its suitability for particular uses, and the comprehensive plan, the ordinance codified in this title was enacted for the purpose of promoting public health, safety, peace, and general welfare; to conserve, stabilize, and protect property values; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to prevent traffic congestion; to facilitate adequate and economical provisions for public improvements; to conserve and protect the general environment and ecology of the city, all in accordance with a development plan for the future development of Happy Valley, or parts thereof; to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described; all as authorized by the provisions of ORS 227.010 or ORS 227.280 (or succeeding state law). (Ord. 97 § 2.01, 1986)

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**16.04.030 Scope and compliance.**

A parcel of land may be used, altered by cuts and fills, altered by removing natural vegetation or removal of timber, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as the chapters of this title permit. In addition to complying with the criteria and other provisions within this title, each development shall comply with applicable standards set forth in the development standards and requirements section. The requirements of this title apply to the person's successors in interest. (Ord. 97 § 2.02, 1986)

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#### **16.04.040 Interpretation.**

A. In interpreting and applying the provisions of this title, they shall be construed as the minimum requirement for the promotion of the public safety, health, and peace and general welfare. It is not intended by this title to interfere with or annul any other covenants or agreements between private parties. However, from the effective date of the ordinance codified in this title, all divisions and development of land shall conform to this title. When this title imposes a greater restriction upon the use of buildings or premises or upon the height of the buildings, or requires larger space than is imposed or required by other codes, ordinances, rules, regulations, covenants or agreements, the provisions of this title shall govern.

B. No specific interpretation of this title where clear or objective standards may not exist, or any other discretionary conditions or requirements authorized by this title shall be applied either individually or collectively to deny any application which otherwise meets all stated standards contained in this title. Neither shall any discretionary conditions or requirements be applied to either individually or collectively provide an adverse or negative impact on cost and development time nor to prevent the maximum potential, residential densities or housing types which are permitted by the comprehensive plan or this title. (Ord. 97 § 2.03, 1986)

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**16.04.050 Area of applicability.**

This title and all amendments to it shall be applicable to all land areas within the incorporated limits of the city as determined by the latest official boundary survey or legal description of those incorporated limits. This title shall not apply to land outside the incorporated limits of the city, nor to annexed lands until such lands have been appropriately and officially designated as part of the development district by the city council. (See designation upon annexation, Section 16.40.080) (Ord. 97 § 2.04, 1986)



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#### **16.04.060 Consistency and coordination with comprehensive plan, Uniform Building Code, laws, ordinances, regulations and other codes.**

Any action initiated under this specific title (Ordinance 97) shall be consistent with the adopted Happy Valley, Oregon comprehensive plan, the latest adopted edition of the Uniform Building Code, all applicable state and federal laws, and other ordinances, regulations or codes as may be appropriate and applicable, whether federal, state or local. Any action initiated under this specific title shall be coordinated with all other plans, laws, ordinances, regulations or codes in order to insure orderly and uniform development. (Ord. 97 § 2.05, 1986)

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**16.04.070 Use of a development.**

A development shall be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and/or which the development is designated, arranged, intended or specified. Any use which becomes nonconforming at the adoption of this title shall not be an unlawful use, but shall be governed by the criteria and procedures as set forth in Chapter 16.24. (Ord. 97 § 2.06, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.04 INTRODUCTORY PROVISIONS

#### **16.04.080 Definitions.**

For the purposes of this title certain terms and words are defined in this section. Specific definitions which shall also apply to this title may be found in various appropriate sections throughout. When not inconsistent with the context, words used in the present tense shall include the future; the singular tense shall include the plural, and the plural the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion.

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

"Accessory building or use" means a subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

"Accessory dwelling unit" means an additional dwelling unit located on the same lot as a single-family dwelling, per the requirements of Section 16.16.250.

"Adjoining" means contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

"Agriculture" means the raising and harvesting of plants for the purpose of obtaining a profit. The raising of animals or plants for personal household use is permitted by right in all development districts in the city.

1. Under no circumstances shall any livestock animals, domestic or farm animals, poultry, or fowl be kept for commercial purposes in a nonagricultural, residential or commercial zone. Cows, horses, sheep or goats cannot be kept on lots having an area of less than forty thousand (40,000) square feet. The total number of such animals (other than their young under the age of six months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below. The raising of swine is not permitted on lots less than five acres without the approval of the planning commission.

Horses and Cows:	Gross Area Required
1 or 2	40,000 sq ft
3	60,000 sq ft
4	80,000 sq ft

5 or more	95,000 sq ft plus 15,000 sq ft for each animal over 5
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Goats and sheep:	Gross Area Required
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per animal	10,000 sq ft
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Llamas:	Gross Area Required
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1 or 2	10,000 sq ft
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3 or more	15,000 sq ft plus 5,000 sq ft for each llama over 3
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2. Animal runs or barns and chicken or fowl pens shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line or closer than one hundred (100) feet from any residence other than the residence of the owner.

3. Animals, chickens and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food, except fodder, shall be stored in metal or other rodent-proof containers.

4. Commercial activity in conjunction with agriculture: Processing, selling (retail and wholesale), and/or distribution of agricultural products raised on-site.

“Agricultural use” means a use permitted by right in all residential districts.

“Alteration” means a change in construction or a change of occupancy. Where the term “alteration” applies to a change of construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes or occupancy from one trade or use to another or from one division of trade or use to another.

“Alteration, Structural.” “Structural alteration” means any physical change, repair or addition to a building or to the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

“Basement” means a portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade.

“Building” means any structure, but excluding trailers or vehicles, even though immobilized, built and maintained for the support, shelter or enclosure of persons, motor vehicles, animals or personal or real property of any kind.

“Building or structural height” means the height of a building or structure as measured from the elevation of the finished grade (see definition of “grade, finished”) at the lowest of the front building

corners for flat, up-sloping and sidesloping lots, and the rear building corners for downsloping lots to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitched or hipped roof. This definition shall not apply to broadcast towers or antennae connected to or separate from any structure.

“Building limits” means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

“Building line” means a line that is adjacent to the front side of the main building and parallel to the front lot line.

“Building permit” means a permit for any structure, obtained in accordance with appropriate portions of the Uniform Building Code and any other applicable code, ordinance or statute.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated and approved for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

“City” means the city of Happy Valley, Oregon.

“Commercial activity in conjunction with agriculture” means a use permitted by conditional approval in each residential district.

“Commission” means the Happy Valley planning commission as appointed by the city council.

“Comprehensive plan” means those coordinated plans which have been adopted by the city of Happy Valley which designate plans and programs to encourage the most appropriate use of land and which outlines procedures and establishes guidelines which will guide development throughout the city in the interest of the public health, peace, safety and welfare.

“Condominium” means a type of residential ownership where a development utilizes zero lot lines, individual ownership of the units and common ownership of open spaces and other facilities and which is regulated, in part, by appropriate state statutes.

“Council” means the elected members which constitute the governing body of the city, referred to as the city council of Happy Valley, Oregon.

“Daycare facility” means a public, private or non-profit facility for the day or evening (but not overnight) care of children outside of their homes. A daycare facility must be licensed. Examples include daycare centers, nursery schools, preschools and before-and-after school care programs.

“Design professional” means a person with at least a Masters degree in architecture or urban design with five years of professional experience.

“Development agreement” means an agreement between the city and a property owner related to a specific development proposal in which the property owner and city agree in writing to on-site and off-site public or private improvements related to the subject development proposal, per ORS 94.504.

“Development district” means the specific designations applied to all land throughout the entire city which serve to indicate the potential density of development.

“Development site” means either or both of the following:

1. A lot of record existing on the effective date of the ordinance codified in this title; or
2. A tract of land either unsubdivided or consisting of two or more contiguous lots of record which, on the effective date of the ordinance codified in this title, was in single or common ownership.

“Driveway” means the area that provides vehicular access to a site. Driveway does not include

parking, maneuvering or circulation areas.

“Dwelling” means a building which is occupied in whole or in part as a home or residence, either permanently or temporarily by one or more families, but excluding hotels, motels and motor hotels.

“Dwelling, single-family.” “Single-family dwelling” means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family (See Family).

“Dwelling, single-family attached.” “Single-family attached dwelling” means a single-family dwelling, located on its own lot, that shares one or more common or abutting walls with one or more other single-family dwellings. A single-family attached dwelling does not share common floors or ceiling with other dwellings. Single-family attached developments are subject to Section 16.16.140, Planned Unit Development.

“Dwelling, two-family (duplex).” “Two-family (duplex) dwelling” means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

“Dwelling, multiple family.” “Multiple family dwelling” means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

“Dwelling unit” means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

“Easement” means a right of usage of real property granted by an owner to the public or to specific persons, firms and/or corporations.

“Family/immediate family” means an individual or two or more persons related by blood or marriage, or a group of not more than five persons not related by blood or marriage, living together as a housekeeping unit.

“Fence, sight-obscuring.” “Sight-obscuring fence” means a structure, consisting of wood, metal or masonry or an evergreen hedge or other evergreen planting, built for the purpose of separating properties and/or uses and arranged in such a way as to obstruct normal human vision.

“Final subdivision” means the plat of a plan, subdivision, dedication or any portions of them, approved and prepared for filing or recording with county clerk and containing those elements and requirements as set forth in this title, and as required by state statute.

“Floor area” means the combined floor area on each level or story of a building exclusive of vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.

“Floor area ratio” means the ratio of the total amount of enclosed gross floor area within a structure to the amount of net buildable acreage. For example, a single story building constructed on one-quarter of the net developable site would have a floor area ratio of 0.25. If a second story were added, the floor area ratio would increase to 0.50, etc. For purposes of calculation, both floor area and net acres shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking.

“Front of structure” means the portion of building parallel or adjacent to the front property line, or the side on which the front door of the building is located.

“Front property line” means any boundary line separating the lot from a public or private road.

“Frontage” means any part of any property abutting a street.

“Grade, Finished” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line, or when the property line is greater than ten (10) feet from the building, between the building and a line ten (10) feet from the building as approved by a final grading plan for the subject site. The city engineer shall have authority to further define finished grade when unusual conditions pertaining to structures and terrain exist.

“Grade, Natural” means the elevation of the ground surface in its natural state, before manmade alterations.

“Ground cover” means any plant approved by the planning commission as part of a landscape plan that provides under story cover or shade of the ground.

“Guest house” means a separate accessory structure, or portion of structure, which is built to residential building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guest or employees on the premises. A “guest house” shall be a temporary living area, and shall not be used for boarders or lodgers. The floor area of a “guest house” shall not exceed twenty-five (25) percent of the floor area of the primary dwelling.

“Hardscape” means hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian sensitive amenities such as benches, drinking fountains, planters, trees in grated wells, street furniture, lighting, public art, water features or other design features integrated into the overall design of a building or portion of a site. Hardscaped areas may include canopies and overhangs to protect public activities from wet weather.

“Hazard trees” means trees that are verified by a certified arborist to be hazardous to people or property.

“Home occupation” means an occupation or business activity which results in a product or service and is conducted in a dwelling (single-family dwelling unit, accessory dwelling unit, multifamily unit, condominium, etc.) normally associated with primary uses allowed in the underlying zoning district. Home occupations are to be conducted by at least one family member occupying the dwelling, and shall be clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of twenty-four (24) total days in a calendar year.

“Landscaping” means vegetation and materials including but not limited to shrubs, grass, trees, planting beds and bark dust.

“Lot” means an area of land legally described in a deed, contract or plat recorded in the office of the county clerk and having legal access to a street.

“Lot area” means the total horizontal area within the lot lines of a lot exclusive of streets or easements of access to other property.

Lot, corner. See Lot types.

“Lot coverage” means that portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building (See Figure 1), excluding the overhang created by roof eaves.

“Lot depth” means the distance of a line measured from the midpoint of the front lot line to the midpoint of the rear lot line. For the purposes of measuring lot depth of corner lots, the longest lot

line may be assumed to be a side lot line (See Figure 1).

“Lot frontage” means that portion of a lot abutting a street.

“Lot line adjustment” means an adjustment of common lot lines between or among existing lots (See Section 16.16.260).

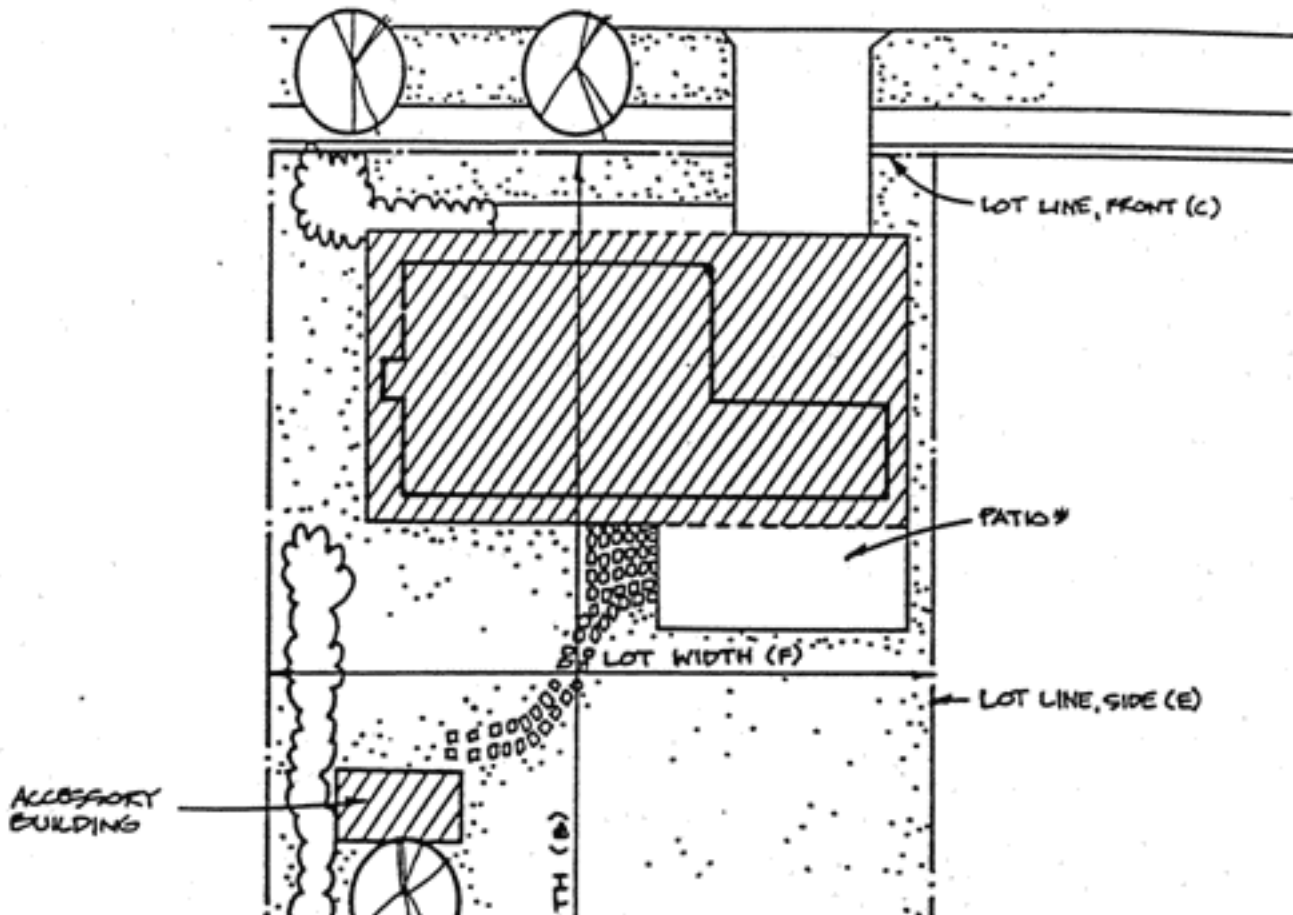
“Lot line, front.” “Front lot line” means a property line contiguous with the street line (See Figure 1). For the purpose of establishing yards assumed front lot lines may be otherwise indicated.

“Lot line, rear.” “Rear lot line” means the property line most distant from the front lot line. In the case of a triangular, trapezoidal or other irregularly shaped lot it shall mean a line at least ten (10) feet in width which is drawn perpendicular to the front lot line (See Figure 1).

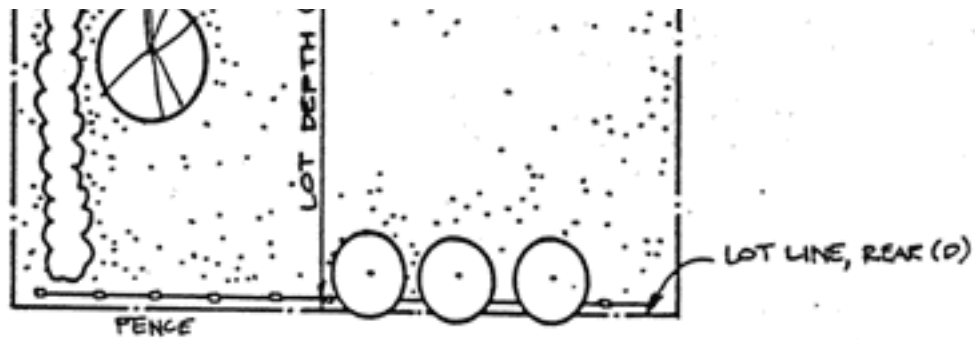
“Lot line, side.” “Side lot line” means a property line which is not a front or rear lot line (See Figure 1).

Figure 1

- A. SHADED AREA IS COMPUTED LOT COVERAGE
- B. LOT DEPTH
- C. LOT LINE, FRONT
- D. LOT LINE, REAR
- E. LOT LINE, SIDE
- F. LOT WIDTH







\* IF PATIO IS COVERED THEN IT MUST BE INCLUDED IN LOT COVERAGE CALCULATIONS

#### “Lot of record.”

1. “Lot of record” means an area of land created prior to the effective date of the ordinance codified in this title as shown as a lot on a final plat of a recorded subdivision; or
2. An area of land described by metes and bounds in a deed or contract recorded in the office of the county clerk prior to the effective date of the ordinance codified in this title; the creation of which was not in violation of any state statute or city ordinance.

#### “Lot types.”

1. “Corner lot” means a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets and which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with lot lines other than street lines, forms an angle of one hundred thirty-five (135) degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than street line, the tangent to the curve at that point shall be considered the direction of the street line (See Figure 2).
2. “Interior lot” means a lot other than a corner lot with frontage only on one street (See Figure 2).
3. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as “double-frontage” lots (See Figure 2).
4. “Flag lot” means a lot with a minimum frontage as specified in the particular district which provides an accessway to a site located behind other properties (See Figure 2). Lot area, dimensional standards and designation of lot line shall be determined as shown in Figure 1. Not more than two contiguous flag lots of any dimension less than the minimum lot frontage requirement shall be permitted in any development district at any location.
5. “Cul-de-sac lot” means a lot which is basically triangular in shape and has a front lot line contiguous with the outer radius of a curve. Such lots shall have a minimum frontage as specified in the particular district. The calculation of lot width shall be made by measuring width at the midpoints of side lot lines (See Figure 2).
6. “Key lot” means a lot, the side line of which abuts the rear line of one or more adjoining lots (See Figure 2).

“Lot width” means the distance of a line measured between the foremost points of the side lot lines. For the purposes of width of lot measurements on corner lots, the longest front lot line may be assumed to be a side lot line (See Figure 1).

“Manufactured home” means a dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobilehomes NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of this definition, a mobilehome shall be considered a manufactured home. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means (See Chapter 16.44).

“Manufactured home park” means any place where four or more manufactured homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

“Master plan” means a plan for a defined geographic area in single or multiple ownership that is consistent with the comprehensive plan and includes, but is not limited to a land use plan, a circulation plan, an open space plan, a utilities plan and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the master plan process outlined in this Land Development Title.

“Mixed use area” means an area designed to encourage a diversity of compatible and supporting land uses which may include a mixture of residential, retail, commercial, office or other miscellaneous uses.

“Mixed use building” means a building supporting land uses which may include a mixture of residential, retail, commercial, office or other miscellaneous uses.

Mobilehome. See Manufactured Home.

Modular Housing. See Prefabricated House or Assembly.

“Multi-use path” means an eight to ten-foot wide improved, all-weather surface pathway that is utilized for pedestrian and bicycle traffic. Multi-use paths are typically located within public easements or rights-of-way, and may include the installation of removable bollards to prevent use by unauthorized motor vehicles. Multi-use paths are required to be maintained by a homeowner’s association or equivalent maintenance organization.

“Natural area” means an area of and improved, preserved and maintained as a native ecosystem for the benefit of natural systems and fish and wildlife habitat.

“Net acre” means one acre of developable land. Net acreage equals the gross square footage of a site minus undevelopable land divided by 43,560.

“Nonconforming use” means a use of a building or land which lawfully existed on the effective date of Ordinance 97 and which does not conform to the requirements of the district in which it is located.

“Open space” means those lands within a subdivision or PUD, or separate from all other properties which have been dedicated in common to the ownership within the subdivision/PUD or to the public specifically for the purpose of providing places for fish and wildlife habitat preservation, scenic and/or recreational uses.

“Outdoor living area” means an outdoor or semi-outdoor area designed to provide a more pleasant and healthful environment for the occupants of a dwelling unit and the neighborhood in which such

dwelling unit is located. It includes natural ground areas, gardens, landscaped areas, balconies, porches, patios, terraces, verandas, outdoor swimming pools, play areas, tennis courts, walkways and ties. Outdoor living areas do not include accessways, parking and loading areas, strips between buildings less than ten (10) feet in width, storage areas, and other areas not usable for outdoor activities.

“Owner” means the individual, firm, association, syndicate, partnership or corporation having fee title to the land to be partitioned and having the right to commence and maintain proceedings under these regulations.

“Parcel” means an area of land designated as an individual lot, group of lots or use area as identified on a minor or major partition map, preliminary plat, final plat, master plan, tax assessor’s map, survey or other official illustration used for purposes of existing or future sale, dedication and/or development within the city.

“Parking space” means a permanently maintained space with proper access for one standard size automobile as indicated within the applicable parking standards.

“Partition” means to divide an area or tract of land into two or three parcels within a calendar year per all applicable requirements contained in this and other sections of this title.

“Pedestrian path” means a five to eight-foot wide path that is utilized primarily for pedestrian access. In developments incorporating pedestrian paths within steep slopes, paths twenty percent (20%) or greater in grade are required to incorporate stairs. In natural resource areas, surfaces may include gravel or bark chip; in all other scenarios, pedestrian paths shall be constructed of improved, all weather surface and may include the installation of removable bollards to prevent use by unauthorized motor vehicles. Pedestrian paths are required to be maintained by a homeowner’s association or equivalent maintenance organization.

“Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company (LLC), syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

“Phased development” means the partial development of any parcel of land through the procedures contained in Section 16.16.230.

“Planned unit development (PUD).” See Section 16.16.150 of this title.

“Planter strip” means a landscaped area of land located within the public right-of-way, between the street curb and the sidewalk. Planter strips adjacent to lots require planting with standard residential lawn or turf, or may be planted with acceptable vegetative groundcover designed to cover a minimum of seventy-five percent (75%) of the planter strip area upon maturity. Secondary materials may include decorative rock, wood chip, bark nuggets, barkdust or similar treatments, but are unacceptable as the primary cover.

“Plat” means the map, either preliminary or final, which is a diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Plaza” means an open space (may be public or private property) which is readily accessible to the public most of the year, designed to encourage use by people as opposed to serving as a setting for a building.

“Prefabricated house or assembly” means a house, portion of a house or structural unit, the integral parts of which have been built up or assembled prior to incorporation in the building or structure. These factory-built or modular units are designed and constructed to satisfy all provisions of the

Uniform Building Code and other related codes.

“Preliminary plan” means a clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the planning commission’s approval or disapproval of the general layout of the subdivision. For the purpose of this title the terms “preliminary” and “tentative,” as used with state law, shall be synonymous, as will “plat” and “plan.”

“Public and semi-public buildings and uses” means a building or use, such as a church, school, auditorium, meeting hall, hospital, stadium, library, art gallery, museum, fire station or utility substation or use such as a park or playground or community center, owned or operated by a religious, fraternal, charitable or other nonprofit organization; a public utility; or any governmental agency.

“Recreational area” means an area of land that is improved to create the opportunity for passive or active recreational activities. Passive recreational activities include but are not limited to walking, jogging, hiking, biking and picnicking. Active recreational activities include but are not limited to basketball, baseball, soccer, volleyball, tennis, use of playground equipment and other sports.

“Regional stormwater detention facility” means a pond, swale or underground system engineered to detain stormwater from more than one development according to the rules and regulations of the city and Clackamas County water environment services.

“Regional trail” means a ten to fifteen-foot wide improved, all-weather surface pathway that is utilized for pedestrian and bicycle traffic. Regional trails are typically located within public easements or rights-of-way, and may include the installation of removable bollards to prevent use by unauthorized motorized vehicles. Regional trails are required to be maintained by the local municipality or some circumstances, may be maintained by a homeowner’s association or equivalent maintenance organization.

“Residential dwellings.”

1. “Multifamily dwelling” means a structure on a single lot or parcel containing three or more units that share common walls or floor/ceilings with the adjacent unit(s). Multifamily dwellings include condominiums and apartment units without regard to ownership status. Types of multifamily dwellings include, but are not limited to, the following types of structures:

- a. Single-family attached dwelling (also known as a Townhouse). A single-family attached dwelling of one or more stories, in a building or set of buildings of two or more units. Each dwelling unit’s underlying lot may be platted to allow separate ownership or may be kept as one tax lot.
- b. Garden apartments which are multiple story multifamily dwellings.
- c. Assisted care facilities for the elderly, excluding nursing homes, convalescent care and institutional type living arrangements unless it is part of a congregate/assisted-living complex and the congregate care portion does not make up more than twenty-five (25) percent of the total gross area of the facility.

2. “Senior housing” means and includes independent care and assisted care facilities for the elderly, but excludes nursing homes, convalescent care and institutional type living arrangements unless it is part of a congregate/ assisted-living complex, and the congregate care portion does not make up more than twenty-five (25) percent of the total gross area of the facility. Senior housing is allowed in multifamily zoning districts, and can consist of a combination of apartments, rowhouses and other types of housing units. Units may be connected to each other by hallways or breezeways.

“Residential facility” means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 (or succeeding state law) which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. Residential facilities may include nursing homes, convalescent homes, extended care facilities and homes for the aged.

“Residential home” means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 (or succeeding state law) which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons needed to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

“Right-of-way” means a strip of land within which is located a passageway, as conveyed for a specific purpose.

“Sign” means any fabricated sign for use outdoors, including its structure consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term “sign” shall not include the flag, emblem or insignia of a nation, government unit, school or religious group, except as such emblems shall conform to illumination standards set forth in this title.

“Secondary dwelling unit” means an individual dwelling unit which contains separate plumbing and kitchen facilities and a separate entrance/access, but which is contained within a new or existing single-family frame dwelling, thus creating a duplex unit.

“Setback line” means the innermost line of any required yard area on a lot.

“Setback or Yard.” Purpose: (1) Provide consistent standards insuring a stable pattern and intensity of development for new and existing neighborhoods; (2) Provide for fire safety and protection of all structures; (3) Protect the unique character and livability of the City. General Requirements: The minimum required open space on a lot which is unobstructed from the ground upward. Setbacks are measured along a horizontal plane as the shortest distance between the lot line and the closest portion of the structure’s foundation. A foundation survey in all development districts may be required at the discretion of the city.

“Setback, front yard.” “Front yard setback” means a setback or yard abutting any street other than an alley. This setback shall be measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building or structure foundation.

“Setback, rear yard.” “Rear yard setback” means a setback or yard abutting the rear lot line. This setback shall be measured horizontally at right angles to the rear lot line from the side lot line nearest point of the building or structure foundation.

“Setback, side yard.” “Side yard setback” means a setback or yard between the front and rear yard. This setback shall be measured horizontally and at right angles to the side lot line from the side lot nearest point of the point of the building or structure foundation.

“Setback, street side yard.” “Street side yard setback” means a setback or yard between the front and rear yard that front a street or road (corner lot). This setback shall be measured horizontally and

at right angles to the side lot line from the side lot nearest point of the point of the building or structure foundation.

“Shadow plan platting” means a plan for future development shown on a master plan indicating where future buildings and lot divisions can be placed to ensure efficient development and redevelopment of larger parcels.

“Slope”. The “slope” of a lot is determined by calculating the difference in elevation, dividing that figure by the number of feet over which the change takes place, and multiplying by one hundred (100). This is computed for the area within the building envelope, not for the entire lot.

1. “Up-sloped lot” means land having a natural upward slope away from the street.
2. “Down-sloped lot” means land having a natural downward slope away from the street.
3. “Side-sloped lot” means land having a natural upward or downward slope parallel to the grade of the street.

“Stormwater detention facility” means a pond, swale or underground system engineered to detain stormwater from the proposed development according to the rules and regulations of the city and Clackamas County water environment services.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of any floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. A story shall have a maximum interior dimension from floor to floor of ten (10) feet. If the finished floor level directly above a basement or cellar is more than five feet above grade, such basement or cellar shall be considered a story.

“Street” means the entire right-of-way of a dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms:

1. “Major arterial” means a street which provides a connection between major traffic generators and is primarily concerned with the movement of large volumes of traffic within an urban area.
2. “Minor arterial” means a street which generally serves as a connection between streets of both greater and lesser capacities traffic volumes. Minor arterials may be constructed to structural standards which are below that of a major arterial.
3. “Collector” means a street which provides connection between local street networks and arterial streets.
4. “Local” means a street which provides minor traffic service.
5. “Lane” means a street having two open ends not exceeding one thousand five hundred (1,500) feet in length and being constructed to the same specifications as a cul-de-sac.
6. “Cul-de-sac” means a street having one end open to traffic and the other end permanently terminated and provided with a vehicular turnaround at the termination of such street.
7. “Private” means an undedicated private right-of-way providing access from a public street to any property, except flag lots. Such street shall be required to meet standards which are less stringent than those which have been adopted for any public streets, except for right-of-way widths which shall be the same as those required for public streets.

“Street frontage” means a street parallel to and adjacent to arterial street providing access to abutting properties and protection from the through traffic.

“Street line” means a lot line separating a street from other land.

“Structure” means anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including tennis courts and other recreational facilities, but excluding fences and grade level improvements such as pavement for driveways or concrete flatwork such as patios.

“Sun exposure” means an imaginary, inclined plane:

1. Northerly exposures: Beginning on a line parallel to a front or rear property line and ten (10) feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies and projecting thence due south at a thirty (30) degree slope over the applicable development site.

2. Easterly, westerly and southerly exposures: Beginning on lines parallel to the front or rear property lines, and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies and projecting then due west from the easterly line, due east from the westerly line and due north from the southerly line, at a sixty (60) degree slope over the applicable development site to a maximum distance of thirty (30) feet measured horizontally from each development site line.

“Trailer” means any vehicle or similar portable device, having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit temporary human occupancy for living or sleeping purposes, but not exceeding a size of either eight feet in outside width or thirty-two (32) feet in outside length, exclusive of any bumpers, tongue, tow bar, axles or wheels. Any other mobilehome unit regardless of size, which does not conform to the definition of “Mobilehome” as contained in this title shall be defined as a “Trailer.”

“Undevelopable land.” Undevelopable land is defined as that which is:

1. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access or connectivity or twenty (20) percent of gross area whichever is less;

2. Required stormwater treatment and detention facilities;

3. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the city for parks or greenways;

4. Lands with slopes exceeding twenty (20) percent will be regulated by the residential specially developable (RSD-1) overlay district (Section 16.12.070).

“Usable open space” means planned and improved open space or outdoor facilities that provide active and passive recreational or relaxation opportunities, including, but not limited to one of the following: parks, play areas; improved playing fields; publicly accessible natural or wildlife viewing areas; unimproved park land dedicated or owned by a public entity; arboretums and gardens, ponds and water features; maintained and landscaped walking paths and running trails; public and private pedestrian spaces; and other similar environments. Usable open space does not include slopes over twenty-five (25) percent, wetlands, natural areas, streams or stream banks where access and improvements are prohibited under federal or state law (including OAR 660-23, DLCD Goal 5 regulations). If such areas are publicly accessible, and if viewing areas and improvements are allowed and made at the periphery of the areas to enhance access to and viewing of the wildlife and/or natural areas, then those lands may be considered as usable open space.

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which

either land or a building is or may be occupied.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, walls, structures or temporary or permanent obstructions exceeding three feet in height, except occasional tree trunks or poles. The vision clearance area shall be measured from the top of the curb or, if there is no curb, from the centerline street grade and extend upward ten (10) feet.

“Yard” means the open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth. (See “Setback.”)

1. Front: Any yard abutting a street.

2. Rear: Any yard abutting a rear lot line.

3. Side: Any yard abutting a side lot line. (Ord. 318 Att. A (part), 2005; Ord. 303 Att. A (part), 2005; Ord. 242 Exh. 2, 2002; Ord. 201 § 2.07, 2000; Ord. 193 § 2.07, 1999; Ord. 184 § 2.07, 1999; Ord. 179 § 2.07, 1998; Ord. 137 § 2.07, 1995; Ord. 127 § 2.07, 1994; Ord. 97 § 2.07, 1986)



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**Chapter 16.08 OFFICIAL MAPS**

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**16.08.010 Purpose.**

Full size maps are available at City Hall. (Ord. 97 § 3.01, 1986)

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**16.08.020 Official maps.**

The following are the official maps for the city of Happy Valley and have been so clearly marked on their face:

Exhibit 6	Slope Analysis
Exhibit 7	Storm Drainage Systems
Exhibit 11**	Development District Map
Exhibit 15	Transportation Plan
Exhibit 16	RSD-1 Lands Overlay District
Exhibit 17	Lands with Slopes Exceeding Forty (40) Percent
Exhibit 18	Soils
Exhibit 20*	Parcels of Land Without Bonus Potential
Exhibit 21	Facilities Service Area Map
Exhibit 22	Goal 5 - Natural Resources Map

\* Official documentation map for Section 508.

\*\* Amended by Ordinance 210 (11/2000).

(Ord. 210, 2000; Ord. 97 § 3.02, 1986)

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**16.08.030 Unofficial maps.**

The following are the unofficial maps for the city of Happy Valley and have been so clearly marked on their face:

Exhibit 1	Planning Process
Exhibit 2	Vicinity Map
Exhibit 3	Existing Land Use
Exhibit 4	Land Ownership
Exhibit 5	Pattern of Planned Growth
Exhibit 8	Composite Development Suitability
Exhibit 9	Revised Buildable Lands
Exhibit 10	Natural Features
Exhibit 12	Open Space and Recreation
Exhibit 13	Existing Water System
Exhibit 14	Proximity of Existing Sewer Facilities
Exhibit 19	Construction Hazards

(Ord. 97 § 3.03, 1986)

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**16.08.040 Figures.**

All figures included as exhibits to this land development title are adopted as official illustrations and graphics for the purpose of defining specific terms and conditions. (Ord. 97 § 3.04, 1986)

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**16.08.050 Certainty of designation.**

The exact designation of any and all properties shall be established through detailed interpretation of the official map and these ordinances. To the greatest extent possible, boundaries of development districts shall follow property lines, roads and streets, natural features and easily identified features and/or improvements. (Ord. 97 § 3.05, 1986)

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**Chapter 16.10 MEASURE 37 CLAIMS PROCEDURE**

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[16.10.130 Severability.](#)

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[16.10.150 Claim processing fees.](#)

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[Chapter 16.10 MEASURE 37 CLAIMS PROCEDURE](#)

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**16.10.010 Purpose.**

The purpose of this chapter is to accomplish the following regarding claims for compensation under ORS Chapter 197, as amended by Ballot Measure 37, adopted November 2, 2004:

Process claims for compensation quickly, openly, thoroughly, and consistently with the law; enable present real property owners making claims for compensation to have an adequate and fair opportunity to present their claims to the City; provide the City with the factual and analytical information necessary to adequately and fairly consider claims for compensation, and take appropriate action under the alternatives provided by law; preserve and protect limited public funds; preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and establish a record of decisions capable of withstanding legal review.

(Ord. 300 § 1 (part), 2004)



## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.10 MEASURE 37 CLAIMS PROCEDURE

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#### **16.10.020 Definitions.**

For purposes of this chapter the following definitions apply:

“Appraisal” means a written statement prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon under ORS Chapter 674. For commercial or industrial property, the term “appraisal” also means a written statement prepared by an appraiser holding the MAI qualification and evidenced by written certificate.

“Ballot Measure 37” means the provisions added to ORS Chapter 197 by Ballot Measure 37 as approved by Oregon voters on November 2, 2004.

“Claim” means the written demand for compensation made by an owner of real property in accordance with Ballot Measure 37 and this chapter.

“Exceptions to land use regulation” means that the following land use regulations are excluded from the application of this chapter:

1. A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law, including Happy Valley Municipal Code Chapter 9, as amended from time to time, and the criminal laws of Oregon and the city.
2. A regulation restricting or prohibiting activities for the protection of public health and safety such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations;
3. A regulation required for compliance with federal law;
4. A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or
5. A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

“Family member” means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner of the real property, an estate of any of the foregoing family members or a legal entity owned by any one or combination of these family members or the owner of the real property.

“Land use regulation” means any city comprehensive plan, zoning ordinance, land division ordinance or transportation ordinance. A land use regulation does not include any land use regulation excepted from this chapter, any city system development charge, or any other city development fees or charges.

“Manager” means the city manager or designee.

“Owner” means the present owner of real property that is the subject of the claim for compensation, or any interest therein. The owner must be a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners and security interest holders.

“Property” means any private real property or interest therein. It includes only a single parcel or contiguous parcels in single ownership. It does not include any parcels that are under different ownerships, regardless of contiguity.

“Reduction in Value” Means the difference in the fair market value of the property before and after enactment, enforcement or application of a land use regulation as defined in this chapter. (Ord. 300 § 1 (part), 2004)

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**16.10.030 Pre-filing conference.**

- A. Before submitting a claim for compensation, the owner must schedule and attend a pre-filing conference with the manager to discuss the claim. The pre-filing conference will follow the procedure set forth by the manager and may include a filing fee and notice to neighbors, other organizations and agencies. The filing fee will be set by city council resolution.
- B. To schedule a pre-filing conference, the owner must contact the manager and pay the appropriate conference fee. The pre-filing conference is for the owner to provide a summary of the owner's claim to the manager, and for the manager to provide information to the owner about regulations that may affect the claim. The manager may provide the owner with a written summary of the pre-filing conference within ten days after it is held.
- C. The manager is not authorized to settle any claim at a pre-filing conference. Any omission or failure by staff to recite to an owner all relevant applicable regulations will not constitute a waiver or admission by the city.
- D. A pre-filing conference is valid for six months from the date it is held. If no claim is filed within six months of the conference, the owner must schedule and attend another conference before the city will accept a claim for filing. The manager may waive the pre-filing requirements if, in the administrator's opinion, a pre-filing conference would serve no purpose. (Ord. 300 § 1 (part), 2004)

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### Chapter 16.10 MEASURE 37 CLAIMS PROCEDURE

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#### **16.10.040 Claim requirements.**

##### **A. Form, Completeness and Review.**

1. A claim must be submitted and accepted for filing only using the forms provided by the city. A claim must consist of all materials required by this chapter. A claim will not be considered filed under Ballot Measure 37 until the city accepts the claim after the requirements of this chapter are fulfilled by the owner of real property.

2 The city will conduct a completeness review within fifteen (15) days after submittal of the claim and will advise the owner in writing of any material remaining to be submitted. The owner must submit the material needed for completeness within thirty (30) days of the written notice that additional material is required. If the owner fails to provide the additional materials within the thirty (30) day period, the claim will not be accepted for filing.

3. The one hundred eighty (180) day period required before accrual of a cause of action for compensation in circuit court under Ballot Measure 37 begins on the date the city deems the claim complete, and accepts it for filing. The city will mark the date of completeness and filing on the claim form and provide a copy to the claimant.

4. The owner may request an extension for filing a complete claim. A request for an extension or continuance will be deemed a waiver of the beginning of the one hundred eighty (180) day period required before accrual of a cause of action for compensation.

##### **B. Claim Requirements. A claim will not be accepted for filing without all of the following information:**

1. Fee. An application fee must be paid in advance of acceptance for filing to cover the costs of completeness review and claim processing. This fee will be established by city council resolution;

2. Claim Form. A completed claim on a form provided by the manager;

3. Identification of Owner and Other Interest Holders. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees and a description of the ownership interest of each.

4. Property Description. The address, tax lot number and legal description of the real property that is the subject of the claim;

5. Nearby Property Owner Information. The names and addresses of all owners of property within three hundred (300) feet of the property, as listed on the most recent property tax assessment roll where such property is located;

6. Listing of Nearby Owned Property. Identification of any other property owned by the owner within three hundred (300) feet of the boundary of the claim property;

7. Title Report. A title report demonstrating the title history, the date the owner acquired ownership of the property and the ownership interests of all owners. The title report must also specify any

restrictions on use of the property unrelated to the land use regulation including, but not limited to, any restrictions established by covenants, conditions and restrictions (CC&Rs), other private restrictions or other regulations, easements or contracts;

8. Copy of Existing Regulation. A copy of the land use regulation that the owner making the claim believes restricts the use of the property, or interest therein, and that the owner believes has had the effect of reducing the fair market value of the property, including the date the owner claims the land use regulation was first enacted, enforced or applied to the property;

9. Copy of Prior Regulations. A copy of the land use regulation in existence, and applicable to the property, when the owner became the owner of the property, and a copy of the land use regulation in existence immediately before the regulation that was enacted or enforced or applied to the property, that the owner claims restricts the use of the property and, the owner claims, caused a reduction in fair market value due to the regulation described in subsection 8 above being more restrictive;

10. Appraisals. A written appraisal by an appraiser, qualified as such in the state of Oregon, stating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after enactment, enforcement or application of the land use regulation described in subsection 8 above, and explaining the rationale and factors leading to that conclusion. If the claim is for more than ten thousand dollars (\$10,000), copies of two appraisals by different appraisers must be included;

11. Narrative. The owner must provide a narrative describing the history of the owner and any family member's ownership of the property, the history of land use regulations applicable to the claim and how the enactment, enforcement or application of the land use regulation restricts the use of the property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein;

12. Statement Regarding Exceptions. A statement by the owner making the claim of why the following Ballot Measure 37 exceptions do not apply:

- a. Commonly and historically recognized public nuisances under common law;
- b. Protection of public health and safety;
- c. Regulations required under federal law;
- d. Use of property for the purpose of selling pornography or performing nude dancing, or
- e. The subject land use regulation was enacted prior to the date of the acquisition of the property by the owner, or prior to acquisition by a family member of the owner who owned the subject property prior to the acquisition or inheritance by the owner (if "family member" status is claimed it must also be addressed in the title report required by subsection 8 above);

13. Owner Statement. A statement by the owner explaining the effect a modification, removal or non-application of the land use regulation would have on the potential development of the property, and stating the most extensive development the owner believes would be permitted on the property if the identified land use regulation were modified, removed or not applied;

14. Copies of Documents. Copies of any land use actions, development applications or other applications for permits previously filed in connection with the property and the action taken. City "enforcement" or "application" of the land use regulation is a prerequisite to making a Measure 37 claim must be described and identified by the claimant;

15. Site Plan and Drawings. A copy of the site plan and drawings in a legible eight and a half by eleven (11) inch format that relate to the proposed use of the property if the land use regulation is

modified, removed or not applied;

16. Statement of Relief Sought. A statement of the relief sought by the owner. (Ord. 300 § 1 (part), 2004)

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### Chapter 16.10 MEASURE 37 CLAIMS PROCEDURE

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#### **16.10.050 Claim review process.**

A. The city staff will assess any claim for compensation and make a recommendation to the city council on the disposition of the claim. The recommendation will state that the claim be:

1. Denied;
2. Investigated further;
3. Declared valid, in which case the recommendation will further state whether the land use regulation at issue should be removed, waived or modified, or that the claimant should be compensated; or
4. Evaluated in another manner not inconsistent with this chapter or Ballot Measure 37, including possible city condemnation of the property.

B. The city council will conduct a public hearing before taking final action on a recommendation from the manager/administrator.

C. Notice of the public hearing will be provided to the claimant and to all record owners of the subject property, and to all owners of property within three hundred (300) feet of the subject property. Additional notice may be sent to the Oregon Department of Land Conservation and Development, Metro and such others as the city may designate.

D. The notice will state the date, time and location of the hearing and will be sent no later than ten days before the hearing. The notice will describe the hearing process, and will state how evidence may be submitted.

E. After the conclusion of the public hearing, and no later than one hundred eighty (180) days from the date the claim was filed, the city council will:

1. Determine that the claim does not meet the requirements of this chapter and Ballot Measure 37, and deny the claim; or
2. Adopt an order with appropriate findings that supports a determination that the claim is valid and directs that the claimant be compensated in an amount set forth in the order, or remove, waive or modify the challenged land use regulation as applied to the subject property.

F. The city council's decision to remove, waive or modify a land use regulation or to compensate the claimant will be based on whether the public interest would be better served by compensating the owner, or by removing, waiving or modifying a land use regulation with respect to the subject property; or any other factors deemed relevant by the city council.

G. If the city council removes, waives or modifies a land use regulation, it may apply the land use regulations in effect at the time the claimant acquired the property.

H. The owner will bear the burden of proof relating to the claim, the devaluation of the owner's

property and the owner's entitlement to just compensation. The standard of proof will be by a preponderance of the evidence.

I. A copy of the city council order will be sent by mail to the owner and to each individual or entity that participated in the city council review process if the city was provided with a mailing address.

J. The city council may establish by resolution additional procedures related to the processing of Ballot Measure 37 claims. (Ord. 300 § 1 (part), 2004)



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**16.10.060 Conditions, revocation and transfer.**

- A. The city council may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under this chapter.
- B. Failure to comply with any condition of approval is grounds for revocation of the approval of the compensation for the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this chapter.
- C. If the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval, the city may institute a revocation or modification proceeding before the city council under the same process for city council review of a claim under this chapter.
- D. Unless otherwise stated in the city's decision, any action taken under this chapter runs with the property and is transferred with ownership of the property. All conditions, time limits or other restrictions imposed with approval of a claim will bind all subsequent owners of the subject property.
- E. A land use regulation waived under this chapter will create a Measure 37 nonconforming use, or a Measure 37 nonconforming structure, as appropriate, on the property benefiting from the waiver.  
(Ord. 300 § 1 (part), 2004)

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**16.10.070 Waiver of claims.**

All potential claims that an owner knew or should have known exist as of the date a claim is submitted must be included in that claim if they are to be preserved. Any potential claim not included is waived by the property owner. (Ord. 300 § 1 (part), 2004)

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**16.10.080 Costs and attorney fees.**

If an owner commences an action to collect compensation and the city prevails, the city is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorney's fees. (Ord. 300 § 1 (part), 2004)

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**16.10.090 Availability of funds to pay claims.**

Compensation can only be paid based on the availability and appropriation of funds for this purpose.  
(Ord. 300 § 1 (part), 2004)

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**16.10.100 Review of a decision.**

A writ of review under ORS 34.010 to 34.102 is the exclusive means to contest a final decision of the city council under Section 16.10.050 of this chapter, and must be filed within sixty (60) days of the order provided under Section 16.10.050. The owner of the real property that is the subject of the claim under this chapter is a necessary party in such a proceeding. (Ord. 300 § 1 (part), 2004)

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**16.10.120 Compensation by other.**

An individual or entity other than the city may compensate the claimant for any diminution in value established under this chapter, in lieu of the city removing, modifying or waiving the land use regulation causing the diminution. A contract between the city, the claimant and the individual or entity providing the compensation is a condition precedent to compensating a claimant under this subsection, and must be approved by the city attorney. (Ord. 300 § 1 (part), 2004)

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**16.10.130 Severability.**

If any phrase, clause or other part or parts of this chapter are found invalid by a court of competent jurisdiction, the remaining phrases, clauses and other part or parts will remain in full force and effect. (Ord. 300 § 1 (part), 2004)

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**16.10.140 Applicable state law—No independent rights.**

For all claims filed the applicable state law is those portions of ORS Chapter 197 added by Ballot Measure 37, or as amended, modified or clarified by subsequent amendments or rules adopted by the Oregon Legislature or Oregon administrative agencies. Any claim that has not been processed completely under this chapter will be subject to any such amendments, modifications, clarifications or other state actions. This chapter is adopted solely to address claims filed under the ORS Chapter 197 provisions added by Ballot Measure 37. This chapter does not create any rights independent of those provisions. (Ord. 300 § 1 (part), 2004)



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**16.10.150 Claim processing fees.**

- A. The claim processing fee shall cover the actual administrative costs to the city for processing a claim. The property owner shall pay a retainer as specified in the fee schedule at the time they submit a claim to the city. Following final action by the city on the claim, the community development director shall provide an accounting of the actual administrative costs, including staff and legal costs, that the city incurred in reviewing and acting on the claim. The city shall bill for additional costs not covered by the retainer within thirty (30) days of action on the claim.
- B. A billing for the amount of the unpaid administrative costs for processing the claim shall be forwarded by certified or registered mail, return receipt requested, to the property owner. Payment shall be made to the city within thirty (30) days from the billing date set out on the bill.
- C. If the property owner does not pay the amount due within thirty (30) days of the billing date, the city may pursue collection, including filing a lien on the property. The lien is perfected by filing it with the county recorder's office in the deed records indicating the amount of the lien, the basis for the lien and the property to which the lien attaches.
- D. The lien provided for in subsection C of this section shall be given priority over all liens except those for taxes and assessments and shall include interest at 0.5% per month accruing from the date the billing is sent to the owner of the property.
- E. The city shall collect reasonable attorney's fees and costs for collection of the debt, which may be made part of the lien and the debt. (Ord. 300 § 1 (part), 2004)

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**Chapter 16.12 DEVELOPMENT DISTRICTS**

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## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.010 Purpose.**

A. All development districts contained in this chapter are based on designations formulated for and contained in the Happy Valley revised comprehensive plan. The officially adopted land use map in the plan shall be the item used exclusively for the determination of the districts, their boundaries and their designations. The titles and descriptions of districts contained in this chapter are based directly upon the designations on the map. No separate zoning map shall exist. Each district is identified by a number which corresponds with the allowable density in that specific area of the plan map. The planned mixed use development district was added in 2000 to add a district where a variety of land uses could be planned and developed. Development over five acres in the planned mixed use area of the city must follow the master plan process outlined in Sections 16.16.061 through 16.16.064, at which time the appropriate density and location of development types will be identified.

B. Within any and all development districts which currently exist or may exist in the future as set forth by the land development ordinance, the revised buildable lands inventory and the composite development suitability analysis provide the broadly based determination of buildable lands which may be suitable for development. In the event of a conflict between the buildable lands inventory and the composite development suitability analysis, the revised buildable lands inventory shall control. However, on a site specific basis there may be hazardous conditions which could preclude suitability for development. Documentable evidence which is superior, more detailed and of greater specificity as it relates to hazardous conditions may be presented by any party for any site specific development proposal may be applied in lieu of the criteria contained in the revised buildable lands inventory and composite development suitability analysis as a means of determining buildable land and areas which may be suitable for development. Therefore, in any development district contained in this chapter, any land previously assumed and determined to be buildable and suitable for development may, in more detailed site specific investigation, be finally determined to be unbuildable as a result of hazardous factors not within the control or influence of the property owner, city or any other agency or affected party. (Ord. 201 § 4.01, 2000; Ord. 97 § 4.01, 1986)

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**16.12.020 Residential districts.**

The predominant type of land use in the city is residential. Consequently, the greatest number of development districts are residential districts. A total of six districts have been formulated to conform with the land use plan in the revised comprehensive plan. These districts also conform to the composite development suitability of the plan and the revised buildable lands inventory, resulting in a coordination with the overall plan. (See Exhibits 8, 9 and 10 in the plan, plus discussions of composite suitability for development, revised buildable lands inventory and the land use plan in the revised comprehensive plan.) (Ord. 97 § 4.02, 1986)

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#### **16.12.030 Very low density residential.**

Density not to exceed one unit for each forty thousand (40,000) square feet — R-40.

A. Purpose. This district reflects the first developmental step in the conversion of agricultural or open space land to residential purposes. Through benefit of available public services and faculties, land in this district is capable of supporting lower densities, yet constraints may still exist which would limit present and future carrying capacities. This district provides the transition to the more fully urban development of higher districts while expressing physical limitations on the potential of the land. The numerical designation R-40 shall be interpreted to mean that the maximum density shall be one unit per forty thousand (40,000) square feet of lot area.

B. Allowable Uses Permitted by Right.

1. Agriculture and related activities, not to include the commercial processing of any type of agricultural products, whether animal or vegetable;
2. Timber Raising and Harvest Only. Processing of harvested materials on-site will not be allowed;
3. Open space in a natural state;
4. Single-family frame dwelling, modular dwelling unit or manufactured home per lot;
5. Any accessory structure which is customarily incidental to any of the above permitted uses, on the same lot;
6. Single-family attached dwelling units, duplexes, multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.16.140;
7. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
8. Accessory units complying with Section 16.16.250;
9. Residential home;
10. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. Uses Permitted with Conditional Approval.

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public and semi-public buildings and functions;
4. Public utility substations or other function;
5. Cemeteries;
6. Church, synagogue, temple or cathedral;

7. Public or private schools;
8. Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available and that tongue, undercarriage and wheels remain intact on the unit. Undercarriage, wheels and supporting base must be covered with a full ground length sight-obscuring skirting around the entire circumference of the manufactured home;
9. Temporary use of a trailer, mobilehome, or other building for a use incidental to construction work, provided that:
  - a. The maximum time period is six months, with a maximum extension for another six months,
  - b. The trailer, mobilehome, or other building is connected to an approved sewage disposal system,
  - c. A building permit for a permanent structure has been issued,
  - d. The temporary home or building shall be removed upon completion or abandonment of construction, and
  - e. No reasonable alternative, such as the availability of nearby rental housing, exists;
10. Daycare facilities.
11. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

#### D. Dimensional Standards.

1. Minimum lot width: One hundred (100) feet;
2. Minimum lot depth: Two hundred (200) feet;
3. Minimum street frontage: One hundred (100) feet; however, frontage may be reduced to seventy (70) feet when the lot fronts on a cul-de-sac;
4. Minimum setbacks (measured to building foundation):
  - a. Front: Thirty-two (32) feet,
  - b. Rear: Thirty-two (32) feet,
  - c. Interior side: Twenty-two (22) feet;
  - d. Street side (corner lot): Fifteen (15) feet;
5. Maximum lot coverage: Twenty (20) percent for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Att. A (part), 2004; Ord. 283 (part), 2004; Ord. 230 § 4.021, 2001; Ord. 97 § 4.021, 1986)

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#### **16.12.040 Low density residential.**

Density not to exceed one unit for each twenty thousand (20,000) square feet — R-20.

A. Purpose. This low density urban residential district responds to development patterns already established in the city and perpetuates those patterns in recognition of the potential for infilling and the overall carrying capacity of the land. Single-family detached dwellings on larger lots are encouraged in this district which seeks to maintain “elbow room and breathing space” within the urban framework of the city. This district is a buffer between the low density and undeveloped areas and the higher density, more typical urban residential districts. It is within this district that uses and standards begin to change significantly to reflect the desired urban trends and patterns. The numerical designation of R-20 shall be interpreted to mean that the maximum density shall be one unit per twenty thousand (20,000) square feet of lot area.

B. Allowable Uses Permitted by Right.

1. One single-family frame dwelling, modular dwelling unit or manufactured home per lot;
2. Open space in a natural state;
3. Public parks and playgrounds, public golf courses, tennis courts and similar recreational activity areas and public recreational buildings, facilities and grounds;
4. Any accessory structure which is customarily incidental to any of the above permitted uses, located on the same lot;
5. Single-family attached dwelling units, duplexes, multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.16.140;
6. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
7. Accessory dwelling units complying with Section 16.16.250;
8. Residential home;
9. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. Uses Permitted by Conditional Approval.

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public utility substations or other function;
4. Church, synagogue, temple or cathedral;
5. Public or private school;

6. Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available and that tongue, undercarriage and wheels remain intact on the unit. Undercarriage, wheels and supporting base must be covered with a full ground length sight-obscuring skirting around the entire circumference of the manufactured home;

7. Temporary use of a trailer, mobilehome, or other building for a use incidental to construction work, provided that:

- a. The maximum time period is six months, with a maximum extension for another six months,
- b. The trailer, mobilehome, or other building is connected to an approved sewage disposal system,
- c. A building permit for a permanent structure has been issued,
- d. The temporary home or building shall be removed upon completion or abandonment of construction, and
- e. No reasonable alternative, such as the availability of nearby rental housing, exists;

8. Daycare facilities.

9. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

D. Dimensional Standards.

1. Minimum lot width: Eighty (80) feet;

2. Minimum lot depth: One hundred (100) feet;

3. Minimum street frontage: Eighty (80) feet; however, frontage may be reduced to fifty (50) feet when the lot fronts on a cul-de-sac;

4. Minimum setbacks (measured to building foundation):

a. Front: Thirty-two (32) feet,

b. Rear: Thirty-two (32) feet,

c. Interior side: Twelve (12) feet,

d. Street side (corner lot): Fifteen (15) feet;

5. Maximum lot coverage: Thirty (30) percent for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Att. A (part), 2004; Ord. 283 (part), 2004; Ord. 230 § 4.022, 2001; Ord. 97 § 4.022, 1986)



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#### **16.12.041 Medium-low density residential.**

Density not to exceed one unit for each fifteen thousand (15,000) square feet — R-15.

A. Purpose. This medium-low density urban residential district responds the continuing urbanization of the city due to the availability of public sanitary sewers in areas previously zoned low and very low density residential. Single-family detached dwellings are encouraged in this district which seeks to maintain “estate development” within the urban framework of the city. This district is a buffer between the low density and medium density, more typical urban residential districts. The numerical designation of R-15 shall be interpreted to mean that the maximum density shall be one dwelling unit per fifteen thousand (15,000) square feet of lot area.

B. Allowable Uses Permitted by Right.

1. One single-family frame dwelling, modular dwelling unit or manufactured home per lot;
2. Open Space in a Natural State;
3. Public parks and playgrounds, public golf courses, tennis courts and similar recreational activity areas and public recreational buildings, facilities and grounds;
4. Any accessory structure which is customarily incidental to any of the above permitted uses, located on the same lot;
5. Single-family attached dwelling units, duplexes, multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.16.140 through 16.16.200;
6. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
7. Accessory dwelling units complying with Section 16.16.250;
8. Residential home.

C. Uses Permitted by Conditional Approval.

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public utility substations or other function;
4. Church, synagogue, temple or other place of worship;
5. Public or private school;
6. Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available and that tongue, undercarriage and wheels remain intact on the unit. Undercarriage, wheels and supporting base must be covered with a full ground-length sight-obscuring skirting around the entire circumference of the manufactured home;

7. Temporary use of a trailer, mobile home, or other building for a use incidental to construction work, provided that:

- a. The maximum time period is six months, with a maximum extension for another six months,
- b. The trailer, mobile home, or other building is connected to an approved sewage disposal system,
- c. A building permit for a permanent structure has been issued,
- d. The temporary home or building shall be removed upon completion or abandonment of construction, and
- e. No reasonable alternative, such as the availability of nearby rental housing, exists;

8. Daycare Facilities.

9. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

D. Dimensional Standards.

1. Minimum lot width: seventy (70) feet;
2. Minimum lot depth: ninety (90) feet;
3. Minimum street frontage: sixty (60) feet; however, frontage may be reduced to fifty (50) feet when the lot fronts on a cul-de-sac;
4. Minimum setbacks (measured to building foundation):
  - a. Front: Twenty-two (22) feet,
  - b. Rear: Twenty-two (22) feet,
  - c. Interior side: Twelve (12) feet,
  - d. Street side (corner lot): Fifteen (15) feet;
5. Maximum lot coverage: thirty-five (35) percent for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Att. A (part), 2004; Ord. 283 (part), 2004; Ord. 201 § 4.022.1, 2000)

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#### **16.12.050 Medium density residential.**

Density not to exceed one unit for each ten thousand (10,000) square feet — R-10.

A. Purpose. This urban residential district is a means by which the densities are increased to make efficient use of available facilities and services in an environment of single-family dwellings. Variations in dwelling types and lot sizes should provide for a necessary flexibility in the city which will prevent typical appearances created by the traditional subdivision of land. Standards in this district are strictly urban oriented and are designed to develop and perpetuate urban trends and patterns. The numerical designation R-10 shall be interpreted to mean that the maximum density shall be one unit per ten thousand (10,000) square feet of lot area.

B. Allowable Uses Permitted by Right.

1. One single-family frame dwelling, modular dwelling unit or manufactured home per lot;
2. Open space in a natural state;
3. Public parks and playgrounds, public golf courses, tennis courts and similar outdoor recreational activity areas;
4. Any accessory structure which is customarily incidental to any of the above permitted uses, located on the same lot;
5. Single-family attached dwelling units, duplexes, multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.16.140;
6. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
7. Accessory dwelling units complying with Section 16.16.250;
8. Residential home;
9. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. Uses Permitted by Conditional Approval.

1. Single-family attached dwelling units or duplexes in a subdivision not approved as a PUD and not to exceed the allowable density of the district;
2. Residential facilities;
3. Private parks or recreation facilities;
4. Church, synagogue, temple or cathedral;
5. Public or private schools;
6. Public parks and playgrounds which include fully or partially enclosed structures for the primary or

secondary use;

7. Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage disposal and fire protection are available, and that tongue, undercarriage and wheels remain intact on the unit. Undercarriage, wheels and supporting blocks must be covered with a full ground-length, sight-obscuring skirting around the entire circumference of the manufactured home;

8. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

#### D. Dimensional Standards.

1. Minimum lot width: Sixty (60) feet;

2. Minimum lot depth: Eighty (80) feet;

3. Minimum street frontage: Fifty (50) feet; however, frontage may be reduced to thirty-five (35) feet when the lot fronts on a cul-de-sac;

4. Minimum setbacks (measured to building foundation):

a. Front: Twenty-two (22) feet,

b. Rear: Twenty-two (22) feet,

c. Interior side: Twelve (12) feet,

d. Street side (corner lot): Fifteen (15) feet;

5. Maximum lot coverage: Forty (40) percent of total lot area for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Att. A (part), 2004; Ord. 283 (part), 2004; Ord. 230 § 4.023, 2001; Ord. 97 § 4.023, 1986)

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#### **16.12.051 Medium-high density residential.**

Density not to exceed one unit for each eight thousand five hundred (8,500) square feet—R-8.5.

A. Purpose. This medium-high density urban residential district responds to the continuing urbanization of the city in newly annexed areas. This development district will allow medium-high density residential development at an average of six units per acre. Single-family detached dwellings are encouraged, but multifamily development is allowed in this district, which seeks to maximize the development potential in hillside areas. This district serves as a buffer between medium-low density development and the high-density development district. The numerical designation of R-8.5 shall be interpreted to mean that the maximum density shall be one dwelling unit per eight thousand five hundred (8,500) square feet.

B. Allowable Uses Permitted by Right.

1. One single-family frame dwelling, modular dwelling unit or manufactured home per lot;
2. Open space areas;
3. Public parks and playgrounds, public golf courses, tennis courts and similar recreational activity areas and public recreational buildings, facilities and grounds;
4. Any accessory structure, which is, customarily incidental to any of the above permitted uses, located on the same lot;
5. Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.16.140;
6. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
7. Accessory dwelling units complying with Section 16.16.250;
8. Residential home.

C. Uses Permitted by Conditional Approval.

1. Residential facilities;
2. Private parks or recreational facilities;
3. Public utility substations or other function;
4. Church, synagogue, temple or other place of worship;
5. Public or private school;
6. Temporary manufactured home to allow for care of an aged or infirmed relative provided that adequate water, sewage disposal and fire protection are available and that tongue, undercarriage and wheels remain intact on the unit. Undercarriage, wheels and supporting base must be covered with a full ground length sight-obscuring skirting around the entire circumference of the manufactured

home;

7. Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that:

- a. The maximum time period is six months, with a maximum extension for another six months;
- b. The trailer, mobile home, or other building is connected to an approved sewage disposal system;
- c. A building permit for a permanent structure has been issued;
- d. The temporary home or building shall be removed upon completion or abandonment of construction; and
- e. No reasonable alternative, such as the availability of nearby rental housing, exists;

8. Daycare facilities.

9. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

D. Dimensional Standards.

1. Minimum lot width: Fifty (50) feet;

2. Minimum lot depth: Seventy (70) feet;

3. Minimum street frontage: Fifty (50) feet; however, frontage may be reduced to thirty-five (35) feet when the lot fronts on a cul-de-sac;

4. Minimum setbacks: (measured to building foundation):

a. Front: Twenty-two (22) feet,

b. Rear: Twenty-two (22) feet,

c. Interior side: Seven feet,

d. Street side (corner lot): Fifteen (15) feet;

5. Maximum Lot Coverage: forty-five (45) percent of total lot area for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Att. A94 (part), 2004; Ord. 283 (part), 2004; Ord. 237 § 4.023.1, 2002)

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#### **16.12.060 High density residential.**

Density not to exceed one unit for each seven thousand (7,000) square feet — R-7.

A. Purpose. This development district will allow the highest residential density within the city through the use of the smallest lots and a variation in dwelling types. Trends which were originated in lower density districts are continued and strengthened in this district and the patterns of the comprehensive plan are reinforced. 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. The numerical designation R-7 shall be interpreted to mean that the maximum density shall be one unit per seven thousand (7,000) square feet of lot area.

B. Allowable Uses Permitted by Right.

1. One single-family frame dwelling or modular dwelling unit per lot;
2. Single-family attached dwelling units, duplexes or multiple family dwellings. Density calculation as defined in Section 16.16.210 may be used where applicable;
3. Open space in a natural state;
4. Public parks and playgrounds, public golf courses, tennis courts and similar outdoor recreational activity areas;
5. Any accessory structure which is customarily incidental to any of the above permitted uses, located on the same lot;
6. Home occupation, as defined in Section 16.04.080, per the provisions of Section 16.14.020;
7. Accessory dwelling units, complying with Section 16.16.250;
8. Residential homes;
9. Manufactured home parks, subject to the provisions of Section 16.44.030;
10. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. Uses Permitted by Conditional Approval.

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public parks and playgrounds which include fully or partially enclosed structures for the primary or secondary use;
4. Church, synagogue, temple or cathedral;
5. Public or private schools;

6. Manufactured home parks, subject to the provisions of Section 16.44.030.

7. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 16.59 of this title.

D. Dimensional Standards.

1. Minimum lot width: Fifty (50) feet;

2. Minimum lot depth: Seventy (70) feet;

3. Minimum street frontage: Fifty (50) feet; however, frontage may be reduced to thirty-five (35) feet when the lot fronts on a cul-de-sac;

4. Minimum setbacks (measured to building foundation):

a. Front: Twenty-two (22) feet,

b. Rear: Twenty-two (22) feet,

c. Interior side: Seven feet,

d. Street side (corner lot): Fifteen (15) feet;

5. Maximum lot coverage: Fifty (50) percent of total lot area for all structures. (Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Att. A (part), 2004; Ord. 283 (part), 2003; Ord. 230 § 4.024, 2001; Ord. 97 § 4.024, 1986)



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#### **16.12.061 Residential 5,000 square feet (R-5)**

A. Purpose. This development district will allow single family (attached and detached) as well as duplexes, triplexes and limited neighborhood commercial uses 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.

B. Allowable Uses Permitted by Right:

1. One single-family frame dwelling or modular dwelling unit per lot;
2. Single-family attached dwelling units, duplexes, triplexes, or multiple family dwellings. Density calculation as defined in Section 16.16.210 may be used where applicable;
3. Open space in a natural state;
4. Public parks and playgrounds, public golf courses, tennis courts and similar outdoor recreational activity areas;
5. Any accessory structure which is customarily incidental to any of the above permitted uses, located on the same lot;
6. Home occupation, as defined in Section 16.04.080;
7. Accessory dwelling units, complying with Section 16.16.250;
8. Residential homes;
9. Manufactured home parks, subject to the provisions of Section 16.44.030;
10. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan;
11. Uses similar to those upon administrative determination by the community development director;

C. Uses Permitted by Conditional Approval:

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public parks and playgrounds which include fully or partially enclosed structures for the primary or secondary use;
4. Church, synagogue, temple or cathedral;
5. Public or private schools;
6. Home business, as defined in Section 16.04.080;

7. Manufactured home parks, subject to the provisions of Section 16.44.030;
8. Neighborhood commercial uses, subject to the provisions of Section 16.12.060 (E)(2) and Chapter 16.32, Design Review:
  - a. Grocery, food, specialty foods, and produce stores;
  - b. Yogurt and ice cream stores;
  - c. Coffee shops, cafes, sandwich shops and delicatessens (no drive through service allowed);
  - d. Barber shops and beauty salons;
  - e. Laundromats.
9. Uses similar to those upon administrative determination by the community development director.

#### D. Dimensional Standards.

##### 1. Single family attached and detached:

- a. Minimum lot size: five thousand (5,000) square feet;
- b. Lot size averaging:

1) Minimum lot size for single family residential within a partition or subdivision may be averaged to allow lots smaller than the minimum lot size, as long as the overall average is not less than that allowed by the R-5 district;

2) No lot created under this provision shall be less than three thousand five hundred (3,500) square feet.

- c. Minimum street frontage: Frontage must be thirty-five (35) feet when the lot fronts on a cul-de-sac;
- d. Maximum lot coverage. Fifty percent (50%) of total lot area for all structures.

##### 2. Duplex (Two-family).

- a. Minimum lot size: seven thousand (7,000) square feet;
- b. Minimum street frontage: Eighty (80) feet;
- c. Maximum lot coverage: Sixty percent (60%) of total lot area for all structures;
- d. Location: Duplexes must be located on a corner lot or adjacent to the intersection of two streets.

##### 3. Triplex (Three-family).

- a. Minimum lot size: Ten thousand (10,000) square feet;
- b. Minimum street frontage: One hundred (100) feet;
- c. Maximum lot coverage: Sixty percent (60%) of total lot area for all structures;
- d. Location: Triplexes must be located on a corner lot or adjacent to the intersection of two streets.

4. Minimum setbacks. Setbacks are measured from the property line or access easement if there is one.

- a. Front: Ten (10) feet.
- b. Rear: Fifteen (15) feet.
- c. Side: Five feet; however, side yard setbacks for attached single family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

d. Street Side: Eight feet.

e. Garage and carport entrances: Twenty (20) feet, except that the minimum setback for garages facing an alley shall be six feet.

E. Special Standards for Certain Uses.

1. Special standards for single-family attached (townhomes). Single-family attached housing (townhome units on individual lots) developments shall comply with the standards set forth below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

a. Building Mass Supplemental Standard. Within the R-5 District, the number of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four units.

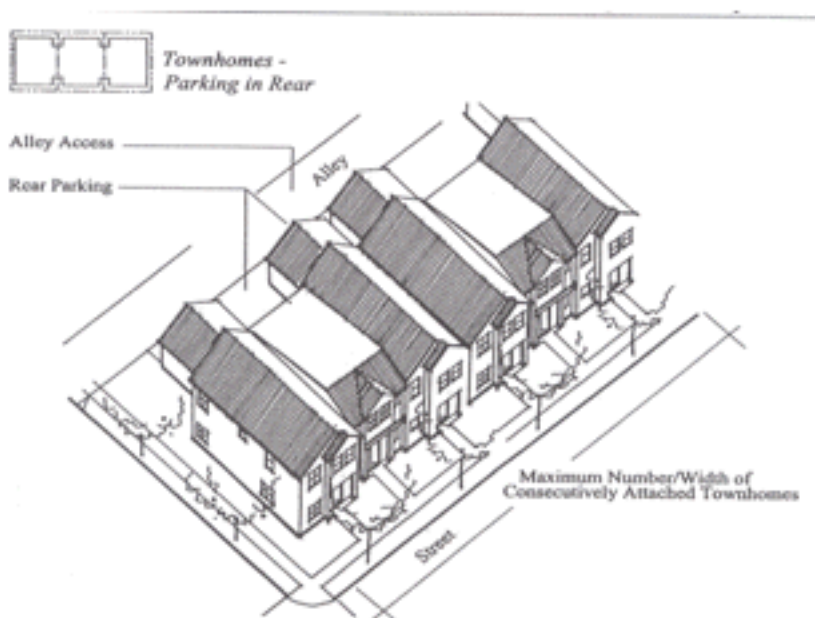


Figure 16.12.061.E.1.a – Townhomes with Alley Access

b. Alley Access Developments. Townhome subdivisions are encouraged to receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Chapter 16.16.040 Subdivisions and any other applicable transportation standards. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See the city's adopted transportation system plan for alley design standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the access and circulation standards of Chapter 16.50 and the TSP.

c. Street Access Developments. Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

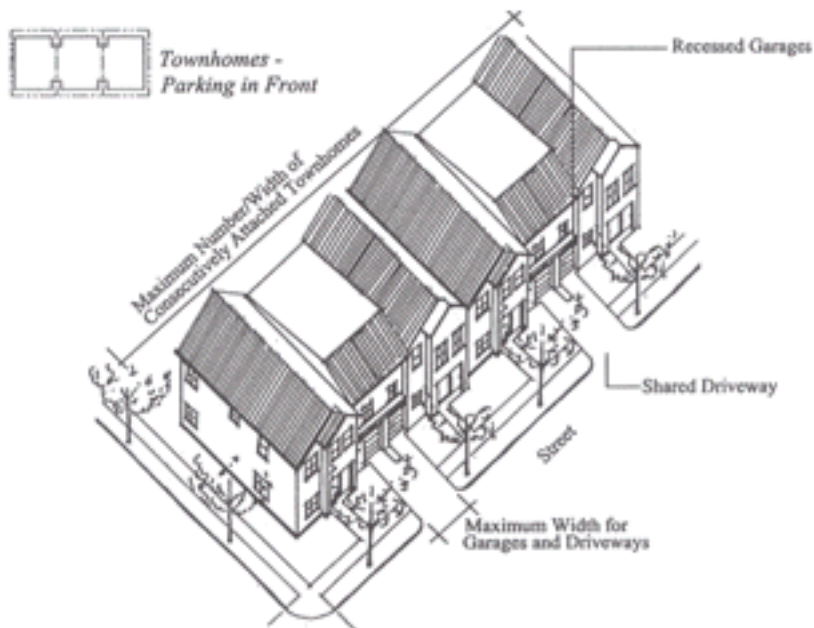


Figure 16.12.061.E.1.b – Townhomes with Street Access

1) When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.

2) The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is fifty percent (50%) of the total building width. For example, a twenty-four (24)-foot wide unit may have one twelve (12)-foot wide recessed garaged facing the street.

a) Exception. An eighteen (18) foot drive is allowed for a two car garage, provided that one on-street parking space is provided for every two lots.

3) Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/ agreement to benefit each lot, prior to building permit issuance.

a) Maximum shared driveway width. Twenty-four (24) feet.

d. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

## 2. Special Standards for Neighborhood Commercial Uses.

a. Purpose and Applicability: Neighborhood commercial uses allow for small-scale commercial when it is compatible with adjacent residential development. All neighborhood commercial uses shall comply with standards in this section, which are intended to promote land use compatibility and transition between neighborhood commercial and adjacent residential uses.

b. Permitted Uses: Only those neighborhood commercial uses specifically listed in Sections

16.12.060 (B) and (C) may be permitted in the R-5.

c. Location: In the R-5 district neighborhood commercial uses are limited to lots located adjacent to the intersection of the following types of streets, as designated in the city's transportation system plan:

- 1) Major or minor arterial street and collector street.
- 2) Collector street and collector street.
- 3) Collector street and local street.

d. Building Mass Supplemental Standard: The maximum width or length of a neighborhood commercial or mixed-use (residential and commercial) building shall not exceed sixty (60) feet (from end-wall to end-wall).

e. Floor Area Supplemental Standards: Floor area is measured by totaling the interior floor area of all commercial building stories. Residential floor area and crawl spaces (i.e., with less than 7 ½ feet of vertical clearance). The maximum commercial floor area shall not exceed:

- 1) Seven thousand (7,000) square feet per building. For buildings located adjacent to the intersection of a major or minor arterial street and collector street.
- 2) Five thousand (5,000) square feet per building. For buildings located adjacent to the intersection of a collector street and collector street.
- 3) Three thousand (3,000) square feet per building. For buildings located adjacent to the intersection of a collector street and local street.

f. Minimum Setback:

- 1) Front. Twenty (20) feet.
- 2) Rear. Ten feet.
- 3) Side. Ten feet.
- 4) Street side. Eight feet.

g. Maximum lot coverage. 75%

h. Hours of Operation: Neighborhood Commercial land uses shall be limited to the following hours of operation: 6 a.m. to 8 p.m

(Ord. 320 Att. A (part), 2005)

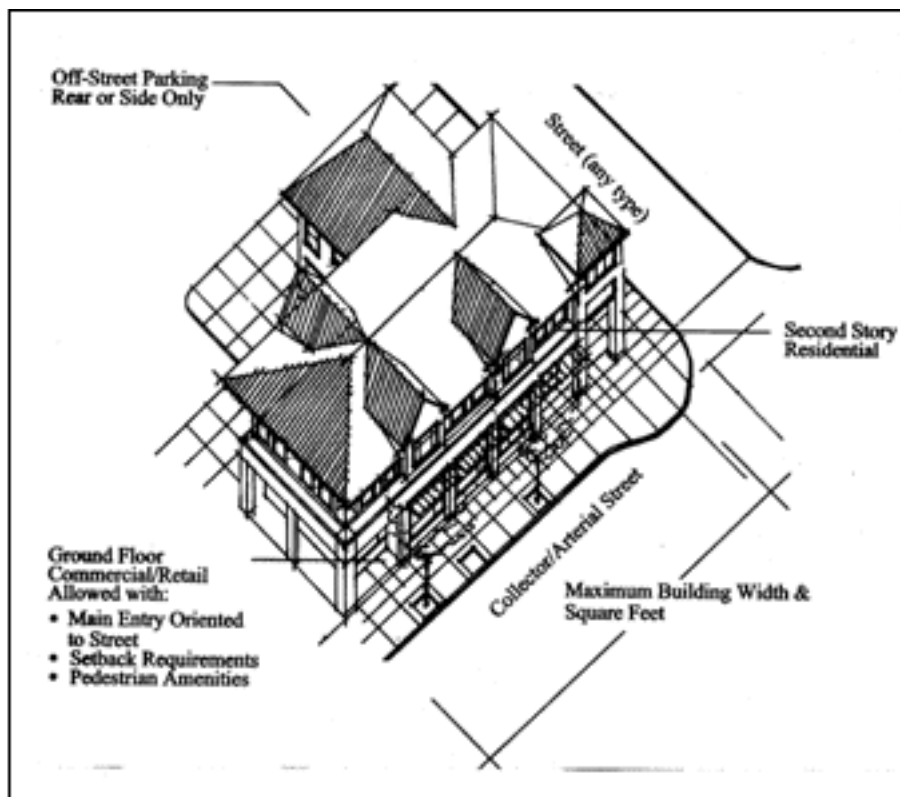


Figure 16.12.061.E.1.c – Neighborhood Commercial (Typical Site Layout)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.062 Single Family Attached Residential (SFA)**

A. Purpose. The Single Family Attached Residential (SFA) district is intended to promote the livability, stability and improvement of Happy Valley's new neighborhoods and to provide opportunities for a variety of medium density residential housing types with a density range of ten to fifteen (15) dwelling units per acre, as well as certain neighborhood commercial uses. The district is intended to:

1. Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
2. Accommodate a range of housing needs, including owner-occupied and rental housing.
3. Provide for compatible building and site design at an appropriate neighborhood scale.
4. Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
5. Provide direct and convenient access to schools, parks and neighborhood services.

B. Allowable Uses Permitted by Right.

1. Existing single-family detached and attached dwellings;
2. Single family attached dwellings (town houses, duplex, triplex);
3. Accessory dwelling units (see Section 16.16.240);
4. Home Occupation (Section 16.04.080);
5. Neighborhood Commercial uses subject to Section 16.12.061(D)(2):
  - a. Neighborhood commercial uses permitted in the R-5 district;
  - b. Video stores;
  - c. Child care centers;
  - d. Laundromats and dry cleaners;
  - e. Personal services (e.g., barbershops, hair salons, spas);
  - f. Restaurants, excluding drive-thrus;
  - g. Retail goods and services;
  - h. Florists;
  - i. Uses similar to those upon administrative determination by the community development director.

C. Uses Permitted by Conditional Approval:

1. Home occupations requiring a conditional use permit (see Section 16.04.080);

2. Churches, synagogues, temples or places of worship;
3. Neighborhood commercial uses subject to Section 16.12.061(D)(2);
4. Medical and dental offices, clinics and laboratories;
5. Professional and administrative offices;
6. Public park, usable open space;
7. Private and public schools (includes day care).

D. Standards:

1. Density and Lot Size.

a. New subdivisions in the SFA zone shall provide for housing at densities between ten dwelling units per net acre minimum and fifteen (15) units per net acre maximum.

1) Exemptions. The following types of housing are exempt from the density standards: Residential care homes/facilities, accessory dwellings.

b. Minimum lot size. No lot created under this provision shall be less than two thousand (2,000) sq. ft.

2. Minimum Setbacks. Setbacks are measured from the property line or access easement.

a. Front. Ten feet.

b. Rear. Fifteen feet.

c. Side. Five feet; however, side yard setbacks for attached single family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

d. Street Side. Eight feet.

e. Garage and carport entrances. Twenty (20) feet, except that the minimum setback for garages facing an alley shall be six feet.

f. Where the SFA district abuts lower density residential districts, the abutting yards shall have a ten foot landscaped buffer area.

g. Special Yards — Distance Between Groupings of Buildings on the Same Lot. To provide usable yard area and allow air circulation and light, the minimum distance between groupings of residential buildings on the same lot shall be ten feet.

3. Building Height. Buildings within the SFA district shall be no more than forty-five (45) feet in height.

a. Exclusions from Maximum Building Height Standard: Chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.

b. Method of Measurement: Building height shall be measured pursuant to Section 16.20.060, Building Heights.

E. Special Standards for Certain Uses.

1. Special Standards for Single-family Attached (Townhomes), Duplexes and Triplexes. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in subsections (a)—(d), below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

a. Building Mass Supplemental Standard:. Within the Residential District, the number and width of



consecutively attached single family dwellings (i.e., with attached walls at property line) shall not exceed eight units.

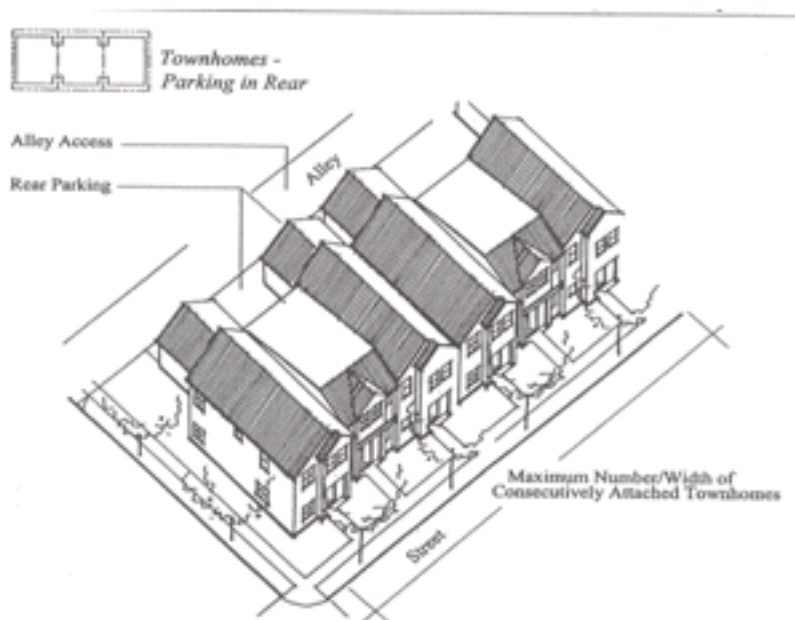


Figure 16.12.062.F.1.b – Townhomes with Alley Access

c. **Alley Access Developments.** Townhome, duplex and triplex subdivisions (4 or more lots) are encouraged to receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Chapter 16.16.040 – Subdivisions and any other applicable transportation standards. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the access and circulation standards of Chapter 16.50.

d. **Street Access Developments.** Single family attached (townhomes), duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

1) When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.

2) The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is fifty percent (50%) of the total building width. For example, a twenty-four (24)-foot wide unit may have one twelve (12)-foot wide recessed garaged facing the street.

a) Exception. A maximum driveway width of eighteen (18) feet is allowed for a two car garage, provided that one on-street parking space is provided for every two lots.

3) Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one on-street parking space). When a

driveway serves more than one lot, the developer shall record an access and maintenance easement/ agreement to benefit each lot, prior to building permit issuance.

a) Maximum shared driveway width. Twenty-four (24) feet.

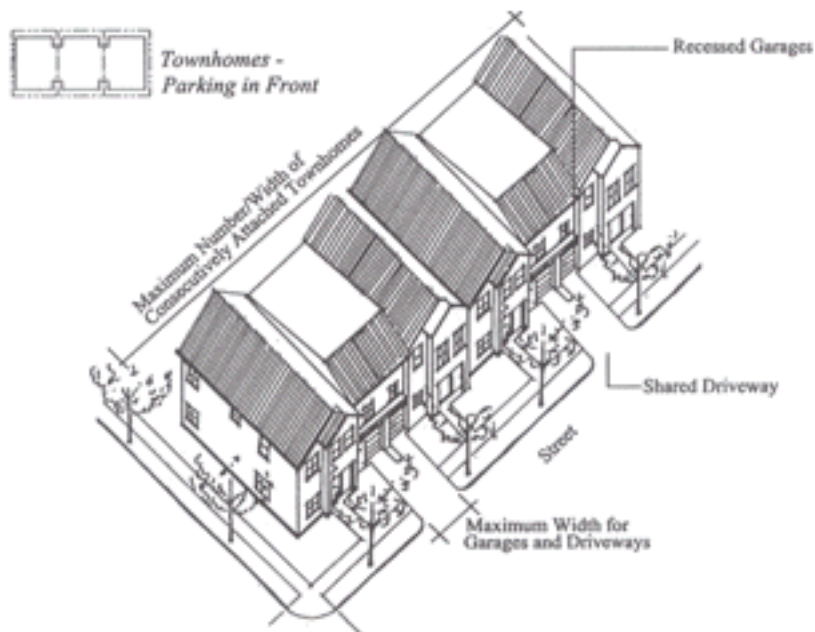


Figure 16.12.062.F.1.c – Townhomes with Street Access

e. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

## 2. Special Standards for Neighborhood Commercial Uses.

a. Purpose/Intent Statement. The neighborhood commercial standards are designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All neighborhood commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between neighborhood commercial and residential uses.

b. Location Standards. Neighborhood commercial uses are only permitted in the SFA district on lots at intersections of the following types of streets:

- 1) Major or minor arterial street and collector street or local street;
- 2) Collector street and collector street;
- 3) Collector street and local street.

c. Permitted Uses. Only those neighborhood commercial uses specifically listed in Section 16.12.061

(D)(2) and (D)(3) may be permitted.

d. Building Mass Supplemental Standard. The maximum width or length of a neighborhood commercial or mixed-use (residential

and commercial) building shall not exceed sixty (60) feet (from end-wall to end-wall). e. Floor Area Supplemental Standards. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance). The maximum commercial floor area shall not exceed:

1) Seven thousand (7,000) square feet per building. For buildings located adjacent to the intersection of a major or minor arterial street and collector street.

2) Five thousand (5,000) square feet per building. For buildings located adjacent to the intersection of a collector street and collector street.

3) Three thousand (3,000) square feet per building. For buildings located adjacent to the intersection of a collector street and local street.

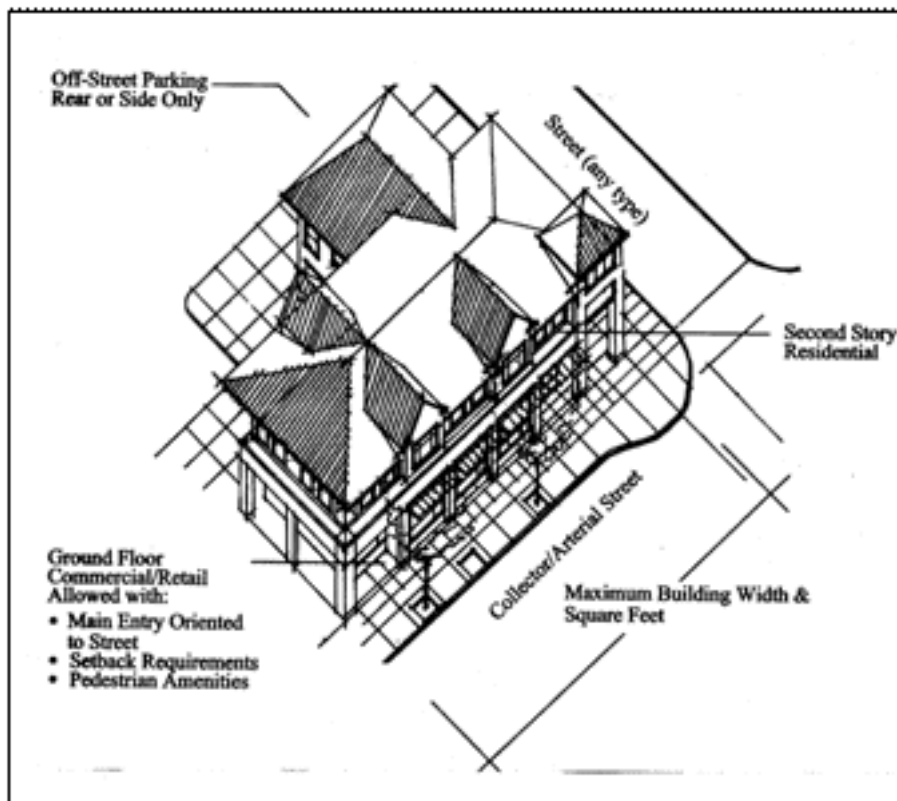


Figure 16.12.062.F.2.b – Neighborhood Commercial (Typical Site Layout)

f. Minimum Setback:

1) Front. Twenty (20) feet.

2) Rear. Ten feet.

3) Side. Ten feet.

4) Street side. Eight feet.

g. Maximum lot coverage. 75%

h. Hours of Operation: Neighborhood Commercial land uses shall be limited to the following hours of operation: 6 a.m. to 8 p.m

### 3. Special Standards for Public and Institutional Uses

#### a. Minimum Setbacks.

- 1) Front. Twenty (20) feet.
- 2) Rear. Twenty (20) feet.
- 3) Side. Twenty (20) feet.
- 4) Street Side. Twenty (20) feet.

(Ord. 320 Att. A (part), 2005)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.070 Residential specially developable overlay.**

Density not to exceed one unit for each one acre which has been designated as unsuitable for development on the revised buildable lands inventory, or subsequently annexed lands with slopes in excess of twenty (20) percent.

A. Purpose. This overlay district is designed to provide a minimal opportunity for a very low level of residential development on land which has been designated as “unbuildable” within the revised buildable lands inventory, or on subsequently annexed lands with slopes in excess of twenty (20) percent. Because such a significant area of the city may occur within these categorical areas, it has been determined to be appropriate that some level of development be permitted in order to avoid inverse condemnation or unduly severe restrictions. In the “unbuildable” areas, facilities and services may be available in varying but limited degrees. All residential development proposals must be reviewed by the city engineer to insure adequate provisions for use of and construction on excessive slopes over twenty (20) percent, adjacent to established drainage ways, or poor soil areas, in heavily vegetated areas, or otherwise “unbuildable” lands within the city. This overlay district will be overlaid on any and all base districts illustrated on the development district map and, upon being overlaid, will take precedence over the base district illustrated on the map, and actual site specific conditions shall take precedence over the revised buildable lands inventory.

B. Allowable Uses Permitted by Right. In accordance with allowable uses permitted by right for the base district illustrated on the development district map.

1. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. Uses Permitted by Conditional Approval. In accordance with uses permitted by conditional approval for the base district illustrated on the development district map.

D. Dimensional Standards. In accordance with dimensional standards for the base district illustrated on the development district map.

E. RSD-1 Land. Guidelines for Proposed Development on RSD-1 Land. (See Exhibit A.)

#### EXHIBIT A

City of Happy Valley  
Guidelines for Proposed Development  
on RSD-1 Land Within the City

The following guidelines have been prepared to provide the city, its citizens and all interested parties a specific direction in the use and development of any lands designated with the RSD-1 overlay. One purpose of the guidelines is to identify the RSD-1 lands within any proposed development, addressing the impact of development on the RSD-1 lands and the need to mitigate any adverse impacts resulting from that development. A second purpose is to attempt to minimize development on slope areas exceeding twenty (20) percent such that the concentration of development occurs on the least steep slopes of the site.

Guidelines 1 and 2 shall be prepared and presented to the preapplication review board at its second meeting with the potential applicant. Guideline 4 shall be prepared and presented at the planning commission work session, prior to the public hearing on the application. Guidelines 3, 5 and 6 shall be implemented subsequent to the actual application for purposes of staff review, inclusion in the staff report and presentation to the planning commission during the public hearing process.

1. Any development proposal on land which contains areas designated RSD-1 shall clearly indicate the location and extent of all RSD-1 areas on a topographic map with contour lines at a maximum interval of five (5) feet. Such exhibits shall be in accordance with the requirements stated in Section 5.033(C) Id of the Land Development Ordinance.

2. Any development proposal on land which contains areas designated RSD-1 shall include a slope analysis map and narrative for the purpose of determining the location and extent of the site specific slopes. The slope analysis shall be made for increments of 5% for slopes from 0% to 30%, increments of 10% for slopes from 30% to 50% and designated as "above 50%" or "greater than 50%" for slopes of more than 50%. This slope analysis shall be prepared by an engineer or geologist registered to practice in the state of Oregon.

3. Any development proposal on land which includes areas designated RSD-1 may submit a plan of development which illustrates a location-specific development that is of greater density than the standard on (1) unit per acre density of the RSD-1 overlay district, provided the following factors are demonstrated to the satisfaction of the planning commission:

a. Protection of resource areas including but not limited to treed and vegetated areas, wetlands, wildlife areas, etc.;

b. Avoidance of hazard areas such as slide areas and flood hazard areas;

c. Protection of all drainageways;

d. Protection of sloped areas above 20% to the greatest extent possible;

e. Access and internal circulation routes are as short as possible, maintain minimum grades and require as little cut and fill as possible;

f. The proposed development is correlated with the degree of natural and physical hazard;

g. Transition areas between existing developed properties and the proposed development area in the form of screening and buffering, landscaped areas and/or open spaces shall be provided.

4. Any proposal for development of RSD-1 areas shall include a lot specific report from a registered geologist which considers and evaluates whether the proposed development plan and the individual lots can accommodate the proposed development. Such report will include, but is not limited to the discussion and analysis of (a) erosion potential; (b) stability; (c) bearing qualities of the soil; (d) geological formations; (e) soil permeability and infiltration rates; and (f) the soil quality for the proposed use. This report shall be attached as an exhibit to the city's staff report and included in the record before the planning commission during the consideration of the development proposal.

5. Any proposal for development of RSD-1 areas, including the report referred to in paragraph (4) herein, shall be reviewed by the city engineer to ensure adequate provisions for the use of and construction of slopes over 20% in correlation with the proposed location of development. The city engineer's review and recommendation shall be included in the city's staff report and included in the record before the planning commission during the consideration of the development proposal.

6. A vegetation removal plan shall be prepared which demonstrates that the natural slope, native soils and vegetative cover outside of street and utility rights-of-way shall be left undisturbed until such time as each individual lot develops. At that time, each lot will be evaluated separately by the city engineer for tree and vegetation removal and grading of the site.

(Ord. 230 § 4.025, 2001; Ord. 201 § 4.025, 2000; Ord. 97 § 4.025, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.071 Future urbanizable (FU-10) 10 acre district.**

Density not to exceed one unit for each ten (10) acres. FU-10.

A. Purpose. This district is intended to preserve for future development at urban densities the future urbanizable areas of the city as designated by the comprehensive plan and to act as a “holding area” for future urban development on lands formerly in unincorporated Clackamas County that are annexed to the city.

B. Area of Application. The FU-10 zone is applied to those areas designated as future urbanizable on the city’s zoning map.

C. Primary Uses.

1. One single-family frame dwelling, modular dwelling unit, mobile or manufactured home per lot. As an accessory use, there may be the customary outbuildings and no more than one guest house;
2. Agriculture and related activities, not to include the commercial processing for any type of agricultural products, whether animal or vegetable;
3. Timber raising and harvest only. Processing of harvested materials on site will not be allowed;
4. Open space in a natural state.
5. Any accessory structure which is customarily incidental to any of the above permitted uses, on the same lot;
6. Home occupation, as defined in Section 2.07;
7. Secondary units complying with Section 5.09;
8. Residential Home along with those accessory uses listed in paragraph (1) above;
9. Fish and Wildlife Management Programs;
10. Public and private conservation areas and structures for the conservation of water, soil, forest, or other wildlife habitat resources.

D. Uses Permitted With Conditional Approval.

1. Residential facilities;
2. Private parks or recreation facilities;
3. Public and semi-public buildings and functions;
4. Public utility substations or other function;
5. Cemeteries;
6. Church, synagogue, temple or cathedral;



7. Public or private schools;

8. Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available, and that tongue, undercarriage and axles remain intact on the unit. Undercarriage wheels and supporting base must be covered with a full ground length sign-obscuring skirting around the entire circumference of the manufactured home.

9. Home Business as defined in Section 16.04.080;

10. Temporary use of a trailer, mobilehome, or other building for a use incidental to construction work, provided that:

- a. The maximum time period is six months, with a maximum extension for another six months,
- b. The trailer, mobilehome, or other building is connected to an approved sewage disposal system,
- c. A building permit for a permanent structure has been issued,
- d. The temporary home or building shall be removed upon completion or abandonment of construction, and
- e. No reasonable alternative, such as the availability of nearby rental housing exists;

11. Daycare facilities;

12. Personal use helicopter pads.

E. Dimensional Standards.

1. The purpose of these dimensional standards are to:

- a. Provide for fire safety and protection of all structures,
- b. Provide for privacy and livability of dwellings and yard areas, and
- c. Preserve, within urban growth boundaries, large parcels of land for future development at urban densities;

2. Minimum lot width: one hundred (100) feet;

3. Minimum lot depth: two hundred (200) feet;

4. Minimum average lot size: ten (10) acres;

5. Minimum setbacks:

- a. Front: thirty-two (32) feet,
- b. Rear: thirty-two (32) feet,
- c. Side: twelve (12) feet;

6. Maximum lot coverage: twenty (20) percent for all structures;

7. Adjustments to Dimensional Requirements. The requirements of this subsection may be modified under the procedures provided by Chapter 16.28 if the adjustment exceeds ten (10) percent of the applicable dimensional standard of this subsection, the matter shall be reviewed under the standards for a variance under Chapter 16.28. If the adjustment is less than ten (10) percent of the applicable dimensional standard of this subsection, the criteria shall be the purpose provisions of subsection (E) (1) of this section. (Ord. 201 § 4.026, 2000)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.080 Institutional and public use — IPU.**

A. This district proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semi-public uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the city, based on a determination by the city that such areas are required. The comprehensive plan identifies the need for such uses throughout the city, with that need being fulfilled through this district.

B. The Following Are Allowable Uses Permitted by Right:

1. Schools, public or private;
2. Church, synagogue, temple or cathedral;
3. Service district functions and operations, including but not limited to fire district facilities, water district facilities, sanitary sewer and stormwater management facilities and road building and maintenance facilities, not to include fuel or other liquid or non-solid combustible material storage;
4. Parks, public or private, but not including commercial recreation facilities;
5. Public and semi-public buildings, functions or operations;
6. Public utility substations or other functions.
7. Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

C. The following Are Uses Permitted with Conditional Approval:

1. Cemeteries;
2. Broadcast towers or other antennae, not including wireless communication facilities, provided that the base of such towers shall not be closer to any residential property line or street right-of-way than a distance equal to the height of the tower;
3. Any use listed in subsection (B) of this section which will include the storage of fuel or any form of combustible materials which exists in a liquid or non-solid form;
4. One single-family frame dwelling, modular dwelling unit or manufactured home per lot or lot of record in accordance with underlying densities as specified in the comprehensive plan;
5. Other uses as permitted, either outright or by conditional approval, in the underlying development district;
6. Temporary use of a trailer, mobilehome or other building for a use incidental to construction work, provided that:
  - a. The maximum time period is six months, with a maximum extension for another six months,

- b. The trailer, mobilehome or other building is connected to an approved sewage disposal system,
  - c. A building permit for a permanent structure has been issued,
  - d. The temporary home or building shall be removed upon completion or abandonment of construction, and
  - e. No reasonable alternative, such as the availability of nearby rental housing, exists.
7. Daycare facilities.
8. Wireless communication facilities subject to Chapter 16.59.
- D. Dimensional standards:
- 1. Minimum lot width: none;
  - 2. Minimum lot depth: none;
  - 3. Lot depth to width ratio: none;
  - 4. Minimum street frontage: Fifty (50) feet;
  - 5. Maximum lot coverage: none, provided that all setback and parking requirements are met;
  - 6. Maximum height: Fifty (50) feet;
  - 7. Minimum setbacks:
    - a. Front: Twenty (20) feet,
    - b. Rear: Twenty (20) feet,
    - c. Interior side: Ten (10) feet;
    - d. Street side (corner lot): Fifteen (15) feet.
  - 8. Parking: as specified in Section 16.20.070. (Ord. 318 Att. A (part), 2005; Ord. 97 § 4.03, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

---

#### **16.12.090 Significant natural resources district—NR.**

A. Purpose. The significant natural resources designation is intended to provide protection for identified significant natural resources under statewide planning goal 5. It has been established to protect those areas determined to be within close proximity of any of the significant natural resources located within the city's local wetlands inventory (LWI) as identified on official map #22. Acting as an overlay district, the NR designation denotes properties that require additional protection measures to be integrated into development processes. It is intended to protect significant natural resources to the greatest extent possible.

B. Allowable Uses Permitted by Right. Activities allowed by right, and excluded from review include:

1. The sale of property;
2. Temporary emergency procedures necessary for the safety or protection of property;
3. Activities in compliance with an approved natural resource mitigation plan.

C. Uses Permitted with Review. Activities subject to the review process include all development not specifically exempted from review as outlined in subsection (A) of this section, including:

1. New structural development;
2. Fills, excavations and modifications of drainage patterns;
3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas;
4. Site modifications including excavation or fill, installation of new above or below ground utilities;
5. Removal of trees or the cutting or clearing of any native vegetation;
6. Resource enhancement activities.

D. Dimensional Standards. Dimensional standards relating to site development, including minimum lot size, minimum yard setbacks, and maximum building height shall be as specified for the underlying development district map designation.

E. Development Standards. Development standards and explanation of the review process required for NR designated properties is included in Section 16.16.270 of this land development title. (Ord. 169 § 4.04, 1997; Ord. 97 § 4.04, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.100 Village townhouse district.**

##### A. General Provisions.

1. A Traffic Impact Analysis (TIA) shall be submitted with each development application per the city's Traffic Impact Study Guidelines. The TIA shall address, but is not limited to, the following traffic management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center; flextime, staggered working hours, car and van pool spaces, and similar ride share programs.

2. The procedures and application requirements under Chapter 16.32 (Design Review) and Chapter 16.50 (General Site Design Standards) shall apply to all development in the village townhouse district. If language within these sections conflicts with specific requirements and standards of the village townhouse district, the standards within the village townhouse district shall prevail.

##### B. Permitted Uses.

The following uses will be allowed as primary uses in the village townhouse district:

1. One attached single-family dwelling;
2. Two-family dwellings;
3. Three-family dwellings;
4. Multifamily dwellings containing four dwelling units;
5. Congregate housing facilities;
6. Condominiums;
7. Nursing homes;
8. Utility carrier cabinets;
9. Bed and breakfast residences;
10. Wireless telecommunication facilities: Wireless telecommunication facilities are subject to the requirements of Chapter 16.59 (Wireless Communication Facilities).
11. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building or swimming pool shall be located a minimum of thirty (30) feet from any other lot in a residential district.

##### C. Accessory Uses.

1. Uses and structures customarily accessory and incidental to a primary use;
2. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms,

exercise rooms, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts;

3. Accessory dwelling units subject to the provisions of Subsection (G) of this section. These standards supersede the requirements of Section 16.16.250;

4. Rental information offices;

5. Repair and maintenance services;

6. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on-site prior to on-site reuse or removal by the generator or licensed or franchised collector to a user or broker;

7. Solar collection apparatus;

8. Home occupations, subject to the provisions of Section 16.14.020;

9. Temporary buildings for uses incidental to construction work, subject to the provisions of Section 16.14.010. Such buildings shall be removed upon completion or abandonment of the construction work;

10. Bus shelters, bicycle facilities, street furniture, drinking fountains, kiosks, art works and other pedestrian and transit amenities;

11. Family daycare providers.

#### D. Conditional Uses.

1. Conditional uses may be allowed subject to review pursuant to Section 16.16.220 (Conditional use).

a. Alteration or expansion of a religious facility which was lawfully established prior to July 1, 1993. The use shall not extend beyond the property which was under the ownership of, or occupied by, the preexisting religious facility and associated facilities prior to July 1, 1993.

#### E. Prohibited and Preexisting Uses.

1. Prohibited Uses: The following uses shall be prohibited:

a. Uses of structures and land not specifically permitted;

2. Preexisting Uses:

a. Preexisting single-family dwellings and residential homes may be altered or expanded;

b. A new lot created for a preexisting single-family dwelling shall have a minimum lot size of three thousand (3,000) square feet, and a maximum lot size of five thousand (5,000) square feet.

c. Preexisting dwellings and their accessory structures shall comply with the Clackamas County VR-4/5 setback standards.

d. A lot created for a preexisting dwelling shall not be included in the gross site area used to determine the maximum density for the remaining lot.

#### F. Development Standards.

1. General: The procedures and application requirements under Chapter 16.32 (Design Review) and Chapter 16.50 (General Site Design Standards) shall apply to all development in the village townhouse district. If language within these sections conflicts with specific requirements and standards of the village townhouse district, the standards within the design review and general site design standards chapters shall prevail.

2. Lot Size: Each lot for an attached single-family dwelling shall have a minimum size of two thousand (2,000) square feet and a maximum size of three thousand (3,000) square feet, or each lot shall have a minimum size of two thousand (2,000) square feet and the average size of all lots shall not exceed two thousand five hundred (2,500) square feet. For subdivisions, partitions, and condominium developments, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012 of the Clackamas County Zoning and Development Ordinance (ZDO). Lots created for congregate care facilities, two and three-family dwellings, or multifamily dwellings are not subject to minimum, maximum, or average lot size standards. However, the density provisions of Section 1012 are applicable.

3. Maximum Lot Coverage: sixty-five (65%) percent.

4. Primary Dwellings: The following standards apply to primary dwellings:

5. Maximum Building Height: thirty-five (35) feet.

6. Minimum and Maximum Front Yard Setback: The front yard setback shall be a minimum of ten feet and a maximum of eighteen (18) feet from a street right-of-way or designated accessway. On a corner lot, one of the required front yard setbacks may be reduced to eight feet when abutting a local or connector street. Awnings, porches, bays, and overhangs may extend up to four feet into this setback.

7. Minimum Side Yard Setback: No side yard setback is required adjacent to another dwelling unit. Any side of a primary dwelling unit which is not a common wall with another dwelling unit shall be setback a minimum of five feet from the side property line and pedestrian connections.

8. Minimum Rear Yard Setback: fifteen (15) feet.

9. Configuration and Facades:

a. Attached single-family dwellings shall orient to and line streets with a series of attached "rowhouse" units.

b. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall.

c. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.

10. Entries and Porches:

a. Primary entries shall be accessed directly from a street right-of-way and must be visible from the street.

b. Porches are required for each unit and must be located immediately adjacent to the primary entry. Porches must cover a minimum of fifty (50%) percent of the primary facade (not including the garage) with a minimum net depth of six feet.

11. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.

G. Accessory Structures:

The following standards apply to accessory structures:

1. A maximum of two accessory structures, including one accessory dwelling unit, may be permitted on a lot;

2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of three feet;

3. Only one accessory structure per lot may exceed one hundred (100) square feet in area;
4. Accessory structures greater than one hundred (100) square feet in area shall comply with the following requirements:
  - a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling,
  - b. The square footage of the ground floor of the accessory structure shall not exceed either five hundred (500) square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed five hundred (500) square feet in size,
  - c. The detached accessory structure shall have a maximum building height of twenty-five (25) feet or the building height of the primary dwelling, whichever is less.
5. The front yard setback shall be no less than the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Clackamas County ZDO Subsection 1604.06 (F);
6. No side or rear yard setback shall be required for any detached accessory structure that is one hundred (100) square feet or less in area and does not exceed a height of feet;
7. For structures that exceed one hundred (100) square feet in area or eight feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a street, pedestrian path, sidewalk, or accessway, in which case a minimum setback of five feet is required;
  - a. For structures greater than eight feet and up to twenty (20) feet in height, the minimum side yard setbacks shall be zero on one side and three feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet. The minimum rear yard setback where the rear property line does not abut an alley shall be three feet,
  - b. For structures greater than twenty (20) feet in height, the minimum side yard setbacks shall be zero on one side and five feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be six feet, except that a second-level accessory dwelling unit may cantilever up to four feet. The minimum rear yard setback where the rear property line does not abut an alley shall be five feet.

#### H. Garages:

1. A minimum of one off-street parking space shall be located in a garage and no required parking or loading space shall be used for storing a recreational vehicle, camper, or boat.
2. A detached garage may be placed at the rear of a lot.
3. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of twenty (20) feet from the street right-of-way.
4. A minimum two-foot deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight feet in width.
5. If located in the front, the garage opening and the driveway shall not exceed a width of ten feet.
6. If an alley adjoins a lot, then garage access from the street is prohibited.

#### I. Fences and Sight-Obscuring Plantings:

1. Fences and sight-obscuring plantings shall comply with intersection sight distance requirements.



2. The maximum height of a fence or sight-obscuring planting shall be six feet along the side and rear yards behind the front building line, and four feet forward of the front building line.

J. Landscaping: A minimum of twenty-five (25%) percent of the lot area shall be landscaped.

K. Manufactured Dwelling Parks: Existing manufactured dwelling parks shall not be redeveloped with a different use until a plan for relocation of the existing tenants is submitted and approved by the community development director or designee.

L. Variances: The requirements of this Section may be modified pursuant to Chapter 16.28. (Ord. 305 Exh. A (part), 2005)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.12 DEVELOPMENT DISTRICTS

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#### **16.12.110 General Commercial District (GC).**

A. Purpose. This zone is intended to establish locations for the development of general commercial centers providing a broad range of shopping and service requirements to meet city-wide needs. New commercial centers shall be limited to an area of ten acres of contiguous land and shall be developed in a manner consistent with the Comprehensive Plan. Single-use retail buildings are limited to a maximum square footage of sixty-thousand (60,000) square feet as specified below. Appropriate locations for general commercial centers are at the intersection of two arterial streets or an arterial and a major collector preferably on streets served by transit.

In the General Commercial 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. The following uses are permitted in the General Commercial district subject to provisions of LDO Chapter 16.50, General Site Design Standards; and Chapter 16.32, Design Review.

1. Art and craft supply stores, studios
2. Bakeries
3. Banks, savings and loan associations, loan companies, ATM
4. Barber shops, beauty salons
5. Bicycle sales, supplies, repair service
6. Book stores
7. Camera stores
8. Coffee shops, cafes, sandwich shops and delicatessens
9. Drug stores
10. Dry cleaners and tailors
11. Florists
12. Home furnishing stores
13. Gift stores
14. Grocery, food, specialty foods, and produce stores
15. Hotels and residential hotels

16. Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities
17. Interior decorating shops, sales and service
18. Home occupations (Section 16.04.080)
19. Laundromats
20. Music shops, sales and service
21. Optometry and optical goods, sales and service
22. Photo finishing, photography studios
23. Rental stores, without outdoor storage
24. Restaurants—full service
25. Restaurants—drive through
26. Shoe sales and repair stores
27. Sporting goods, sales and service
28. Stationary stores
29. Yogurt and ice cream stores
30. Vehicular service
31. Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination by the community development director.
32. Professional and administrative offices
33. Medical office buildings
34. Medium density residential at SFA densities (10 to 15 du/acre)
35. Senior housing
36. Library, post office, community center, etc.
37. Uses similar to those listed above as determined by the community development director.

C. Conditional Uses:

1. Secondhand stores
2. Taverns, bars and cocktail lounges (a minimum distance of one thousand five hundred (1,500) feet from school uses)
3. Theaters or assembly halls
4. Video rental stores
5. Home occupations, subject to a conditional use review (Section 16.04.080)
6. Churches, synagogues, temples or places of worship
7. Public parks, usable open space
8. Public and private schools (includes day care)

D. Standards.

1. Location. Appropriate locations for General Commercial development occurs within one-quarter mile from the following types of major intersections:

- a. Major or minor arterial streets;
- b. Major or minor arterial street and collector street.

2. Setbacks.

a. Front Setback:

- 1) Minimum front setback. Ten (10) feet.
- 2) Maximum front setback. Twenty (20) feet.

b. Rear Setback:

- 1) Minimum rear setback. None, except when a rear lot line is abutting a lot in a residential zone and then the rear setback shall be a minimum of ten feet. The required rear setback shall be increased by ½ foot for each foot by which the building height exceeds twenty (20) feet.
- 2) Maximum rear setback. None.

c. Side Setback:

- 1) Minimum side setback. Ten feet, except when a side lot line is abutting a lot in a residential zone and then the side setback shall be a minimum of twenty (20) feet. The required side setback shall be increased by ½ foot for each foot by which the building height exceeds twenty (20) feet.
- 2) Minimum street side setback. 10 feet.
- 3) Maximum side setback. None.

3. Lot Coverage. Maximum lot coverage by buildings and structures shall be seventy-five percent (75%) of the total lot area.

4. Building Size. Maximum building square footage for single use retail buildings is limited to a maximum of a fifty thousand (50,000) square foot footprint. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.

5. Building Height.

- 1) Maximum building height: Forty-five (45) feet.
- 2) Method of measurement: Building height shall be measured pursuant to Section 16.20.060, Building Heights.

6. Off-Street Parking and Loading (Vehicle and Bicycle). Off-street parking and loading spaces shall be provided as required in LDO Chapter 16.50.030.

7. Landscaping. Landscaping shall be provided as required in LDO Chapter 16.50.020.

8. Pedestrian Access and Circulation. Adequate pedestrian access and circulation systems shall be provided as required in LDO Chapter 16.50.040.

E. Special Standards.

1. Design Review. New development in the General Commercial district shall be subject to LDO Chapter 16.32, Design Review and the Happy Valley Style Architectural Design Standards. (Ord. 320 Exh. A (part), 2005)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.12 DEVELOPMENT DISTRICTS](#)

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#### **16.12.120 Community commercial district (CC).**

A. Purpose. The Community Commercial (CC) district is intended to provide locations or “nodes” for a relatively wide range of small businesses and services adjacent to residential areas as a convenience to nearby residents. The CC 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 nodes are intended to be limited in size to not more than two acres of contiguous land.

Building size is also limited to a thirty thousand (30,000) square feet footprint, and measured in accordance with requirements of this section. Appropriate locations for Community Commercial nodes are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets.

B. Permitted uses. The following uses are permitted in a CC Community Commercial district and subject to provisions of LDO Chapter 16.50, General Site Design Standards; and Chapter 16.32, Design Review.

1. All neighborhood commercial uses permitted in the SFA district
2. Art and craft supply stores, studios
3. Bakeries
4. Banks, savings and loan associations, loan companies, ATM without drive-through
5. Barber shops, beauty salons
6. Bicycle sales, supplies, repair service
7. Book stores
8. Camera stores
9. Coffee shops, cafes, sandwich shops and delicatessens
10. Drug stores
11. Dry cleaners and tailors
12. Florists
13. Home furnishing stores
14. Gift stores
15. Grocery, food, specialty foods, and produce stores
16. Interior decorating shops, sales and service
17. Home occupations (Section 16.04.080)

18. Laundromats
19. Library, post office, community center, etc.
20. Music shops, sales and service
21. Optometry and optical goods, sales and service
22. Photo finishing, photography studios
23. Shoe sales and shoe repair stores
24. Sporting goods, sales and service
25. Stationery stores
26. Yogurt and ice cream stores
27. Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination by the community development director.
28. Medium Density Residential at SFA densities (10 to 15 du/acre).

C. Conditional uses. The following conditional uses may be permitted subject to a conditional use permit and the provisions of LDO Section 16.16.220.

1. Banks, savings and loan associations, loan companies, ATM with drive-through
2. Churches, synagogues, temples or places of worship
3. Home occupations subject to a conditional use review (Section 16.04.080)
4. Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities
5. Public park, usable open space
6. Public and private schools (includes day care, dancing and music schools)
7. Restaurants (except drive through)
8. Secondhand stores
9. Taverns, bars and cocktail lounges (a minimum distance of one thousand five hundred (1,500) feet from school uses)
10. Theaters or assembly halls
11. Video rental stores

D. Standards.

1. Location. Appropriate locations for Community Commercial nodes are at intersections of the following types of streets:

- a. Arterial street and arterial street (any combination of major and minor);
- b. Major or minor arterial street and collector street;
- c. Collector street and collector street.

2. Minimum Setbacks.

- a. Front Setback: Ten feet.
- b. Rear Setback: None, except when a rear lot line is abutting a lot in a residential zone and then the

rear setback shall be a minimum of ten feet. The required rear setback shall be increased by ½ foot for each foot by which the building height exceeds twenty (20) feet.

c. Side Setback: None, except when a side lot line is abutting a lot in a residential zone and then the side setback shall be a minimum of ten feet. The required side setback shall be increased by ½ foot for each foot by which the building height exceeds twenty (20) feet.

d. Street Side Setback: Ten feet.

3. Lot Coverage: Maximum lot coverage by buildings and structures shall be seventy-five percent (75%) of the total lot area.

4. Building Size: Maximum building square footage for single use retail buildings is limited to a maximum of a fifty thousand (50,000) square foot footprint. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.

5. Building Height.

a. Building height shall not exceed thirty-five (35) feet.

b. Method of measurement. Building height shall be measured pursuant to Section 16.20.060, Building Heights.

6. Off-Street Parking and Loading (Vehicle and Bicycle). Off-street parking and loading spaces shall be provided as required in LDO Chapter 16.50.030.

7. Landscaping. Landscaping shall be provided as required in LDO Chapter 16.50.020.

8. Pedestrian Access and Circulation. Adequate pedestrian access and circulation systems shall be provided as required in LDO Chapter 16.50.040.

E. Special Standards.

1. Design Review. New development in the CC district shall be subject to design review and the Happy Valley Style Architectural Design standards. (Ord. 320 Exh. A (part), 2005)

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**Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)**

[16.13.010 Purpose.](#)

[16.13.020 Mixed use commercial \(MUC\).](#)

[16.13.021 Mixed use employment \(MUE\).](#)

[16.13.025 MUE neighborhood commercial \(NC\) sub district.](#)

[16.13.030 Mixed use residential \(MUR\).](#)

[16.13.040 Master plan required.](#)

[16.13.050 Planned mixed use development standards.](#)



## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.13 PLANNED MIXED USE DISTRICT \(PMU\)](#)

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#### **16.13.010 Purpose.**

To establish an area, outside of the city core (i.e. outside the 1992 UGMA), that allows a mixture of land use types, including attached housing, retail sales, offices, commercial services and encourages linked transportation trips among these uses. This district is guided by a master plan approved by the city that outlines the general and specific land uses and permits phasing of development. The district is intended to provide flexibility to anticipate local needs and market changes for city residents. Development in the planned mixed use (PMU) district encourages public spaces, for better pedestrian and bicycle travel as well as a transition between high traffic streets and local residential neighborhoods. The planned mixed use district in Happy Valley reinforces the concentration and intensity of uses planned in the 2040 Framework Plan. The district encourages efficient site utilization, including use of gross average density, reduced yard setbacks, shadow plans.

The PMU district requires development over five acres to submit a master plan for approval. There is built-in flexibility in the level of detail required for approval of master plans ranging from a master plan indicating detailed development plans that meet requirements for tentative land division (platting) to identification of general land uses and major transportation connections, to a mixture of these approaches. Once a master plan is approved for the PMU district, detailed development plans will be reviewed through the design review process as described in Chapter 16.32.

The master plan will establish districts to demarcate the general location of commercial, employment and residential areas (mixed use commercial (MUC); mixed use employment (MUE); MUE neighborhood commercial subdistrict; and mixed use residential (MUR). The master plan shall further distinguish the general location of sub areas within the residential district that will indicate where there will be a mixture of uses and residential areas by intensity of residential density. The commercial district does not require the identification of sub areas. The general type of commercial uses are limited to retail, office and mixed use buildings, all of which are permitted anywhere within the commercial district.

The master plan process is directed by Chapter 16.14. (Ord. 259 (part), 2003; Ord. 201 § 4.061, 2000)

Title 16 LAND DEVELOPMENT CODE

Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)

**16.13.020 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 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 (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. Specific uses are listed in Table 16.13.020.

A. Summary of Permitted Uses.

- 1. Retail sales and services;
- 2. Office uses;
- 3. Institutional uses;
- 4. Residential uses;
- 5. Mixed use buildings.
  - a. Office--Retail combinations or office--Residential, or retail-residential.

Table 16.13.020  
Mixed Use Commercial Permitted Uses

Use Permitted Outright = P

Use Requires Conditional Use Permit = C

Use Prohibited = Uses not permitted are not listed

Use	MUC
Commercial—Retail Uses	
Art and craft supply stores, studios	P

Bakeries	P
Banks, savings and loan associations, loan companies, ATMs	P
Barber shops, beauty salons	P
Bicycle sales, supplies, repair service	P
Book stores	C
Camera stores	P
Coffee shops, cafes, sandwich shops and delicatessens	P
Drug stores	P
Dry cleaners and tailors	P
Florists	P
Home furnishing stores	P
Gift stores	P
Grocery, food, specialty foods, and produce stores	P
Hotels and residential hotels	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities.	P
Interior decorating shops, sales and service	P
Laundromats	P
Music shops, sales and service	P
Optometry and optical goods, sales and service	P
Photo finishing, photography studios	P
Rental stores, without outdoor storage	P
Restaurants full service	P
Restaurants—Drive through	P
Secondhand stores	C

Service stations	C
Shoe sales and repair stores	P
Sporting goods, sales and service	P
Stationary stores	P
Taverns, bars and cocktail lounges 1,500 feet from school uses)	C
Theaters or assembly halls	C
Yogurt and ice cream stores	P
Vehicular service	P
Video rental stores	C
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	P
Commercial—General	
Wireless communication facilities	Per Chapter 16.59
Commercial—Offices	
Professional and administrative offices	P
Medical office buildings	P
Residential	
Medium	P
High (Note: Mixed use buildings with residential and commercial are allowed in addition to single use residential buildings.)	P
Senior housing	P
Home occupation (Section 16.04.080)	P
Home business (Section 16.04.080)	C
Institutional	
Churches, synagogues, temples or places of worship	C

Public park, usable open space	C
Public and private schools (includes day care)	C
Civic Uses	
Libraries, post offices, community centers, etc.	P
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P

(Ord. 294 Att. A (part), 2004; Ord. 259 (part), 2003; Ord. 201 § 4.062, 2000)

Title 16 LAND DEVELOPMENT CODE

Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)

**16.13.021 Mixed use employment (MUE).**

The mixed use employment district will provide for development of office, employment and medium density residential uses as described in the Rock Creek Comprehensive Plan. The MUE neighborhood commercial sub district provides for neighborhood scale retail needs.

A. Summary of Permitted Uses:

1. Commercial-Office;
2. Institutional;
3. Civic;
4. Residential.

Table 16.13.021  
Mixed Use Employment  
Permitted Uses

Use Permitted Outright = P

Use Requires Conditional Use Permit = C

Use Prohibited = Uses not permitted are unlisted

Use	MUE
Commercial—Offices	
Professional and administrative offices	P
Medical office buildings	P
Retail sales and service (According to MUE NC rules)	P
Industrial	
Manufacturing and production	P
Industrial services	P

Flex-space	P
Wholesale sales	P
Commercial—General	
Wireless communication facilities	Per Chapter 16.59
Residential	
Medium (Note: Mixed use buildings with residential and commercial are allowed in addition to single use residential buildings)	P
Senior housing	P
Home occupation (Section 16.04.080)	P
Home business (Section 16.04.080)	C
Institutional	
Churches, synagogues, temples, or places of worship	C
Public parks, usable open space	C
Public and private schools (includes day care)	C
Civic Uses	
Schools	P
Community service	P
Libraries, post offices, community centers, etc.	P
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.	P

## B. Residential Standards.

1. Residential development shall follow the standards in Section 16.13.030.
2. Residential density shall be the same as the MUR-M1 multi-family dwellings low density residential district (fifteen (15) to twenty-four (24) units per net acre) with a minimum density of twelve (12) units per net acre. (Ord. 296 Att. A (part), 2004; Ord. 259 (part), 2003)

Title 16 LAND DEVELOPMENT CODE

Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)

**16.13.025 MUE neighborhood commercial (NC) sub district.**

In order to provide retail uses which serve the surrounding neighborhoods and employment areas of the MUE district, the neighborhood commercial sub district establishes uses and standards for the development of commercial and residential uses with good visibility from arterials, collectors and local streets within the MUE district.

A. Definitions.

- 1. Site. As used in this section, the word "site" is the total area brought forward in a development application identified for development with neighborhood commercial uses.
- 2. Mixed Use Building. As used in this section, the term "mixed use building" means a building that has more than one use or tenant, is more than one story tall (i.e. vertical mixed use), and no more than fifty (50) percent of the gross leasable area is occupied by commercial retail uses, as listed in Table 16.13.025.

B. Summary of Permitted Uses.

- 1. Commercial-retail;
- 2. Commercial-office;
- 3. Institutional;
- 4. Civic;
- 5. Residential.

Table 16.13.025(1)  
MUE Neighborhood Commercial  
Permitted Uses

Use Permitted Outright = P

Use Requires Conditional Use Permit = C

Use Prohibited = Uses not permitted are unlisted

Use	NC
Commercial—Retail Uses	



Apparel and secondhand stores	P
Art and craft supply stores and studios	P
Bakeries	
Banks, savings and loan associations, loan companies and ATMs	P
Barber shops and beauty salons	P
Bed and breakfast inns	P
Bicycle sales, supplies, repair and service	P
Bookstores	C
Camera stores	P
Day care centers (adult and child care facilities)	P
Coffee shops, cafes, sandwich shops and delicatessens	P
Drugstores	
Dry cleaners and tailors	P
Florists	
Hardware and garden supplies	P
Home furnishing stores	P
Gift stores	
Grocery, food, specialty foods and produce stores	P
Hotels and residential hotels	P
Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	P
Exercise and tanning studios	P
Interior decorating shops, sales and service	P
Laundromats	
Music shops, sales and service	P

Optometry and optical goods, sales and service	P
Photo finishing, photography studios	
Rental stores, without outdoor storage	P
Restaurants, full service	
Restaurants, drive through	C
Service station	C
Shoe sales and repair stores	
Sporting goods, sales and service	P
Stationery stores	
Theaters or assembly halls	C
Yogurt and ice cream stores	P
Video rental stores	C
Veterinarian services and pet supplies	P
Retail and service commercial uses, similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	P
Commercial—General	
Wireless communications facilities	Per Chapter 16.59
Commercial—Offices	
Medical, professional and administrative offices	P
Institutional	
Churches, synagogues, temples, or places of worship	C
Public parks, usable open space	C
Public and private schools (includes day care)	C
Civic Uses	

Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted Transportation System Plan.	P
Libraries, post offices, community centers, and similar uses.	P
Residential	
Medium (Note: Mixed use buildings with residential and commercial are allowed in addition to single use residential buildings)	P
Senior housing	P
Home occupation (Section 16.04.080)	P
Home business (Section 16.04.080)	C

C. Location.

1. The MUE neighborhood commercial sub district may be located anywhere within the area designated as MUE on the Rock Creek Plan map or other areas designated MUE in the City's Comprehensive Plan map.
2. MUE neighborhood commercial sites shall be designated on planned mixed use master plans created in accordance with Section 16.13.040 or design review plans submitted under Chapter 16.32, design review, Site Development Plan.
3. Only one MUE neighborhood commercial site shall be allowed within the MUE portion of a Master Plan developed in accordance with Section 16.13.040. If an MUE area is developed without a Master Plan because the MUE area is less than five acres, than the maximum MUE neighborhood commercial area shall be that listed in Table 16.13.025(2). Neighborhood commercial development in the MUE district shall not be phased to avoid the maximum site size limits.

D. Site Size and Allowable Floor Area Standards.

1. Dimensional standards for retail development in the neighborhood commercial sub district are located in Table 16.13.025(2).

Table 16.13.025(2)  
 Maximum Areas for MUE  
 Neighborhood Commercial Retail Uses

	<b>Street Frontage Arterial*</b>	<b>Street Frontage Collector*</b>	<b>Street Frontage Local Street*</b>

Maximum retail only site area	3 acres	2 acres	1 acre
Maximum retail only building footprint area	10,000 square feet	5,000 square feet	3,000 square feet
Maximum individual retail use area (gross leasable area)	5,000 square feet	5,000 square feet	3,000 square feet
Maximum retail only building floor area ratio (measurement of building footprint area relative to the neighborhood commercial site area)	0.25:1	0.25:1	0.25:1

\* In case of multiple frontages, use higher classification.

Note: this table applies standards only for tenants or buildings that are proposed solely for retail use.

Mixed use buildings, as defined in subsection 16.13.025(A)(2), are not regulated by this table.

a. A conditional use permit is required to increase dimensional standards in Table 16.13.025(2). Maximum site area shall not be increased by a CUP or any other adjustment.

b. Street Frontage. In Table 16.13.025(2) means the location of the adjacent street as classified in the city's TSP. In cases where there is more than one access from more than one street type, the higher street classification in accordance with the city's Transportation System Plan shall be used for determining the appropriate development standards.

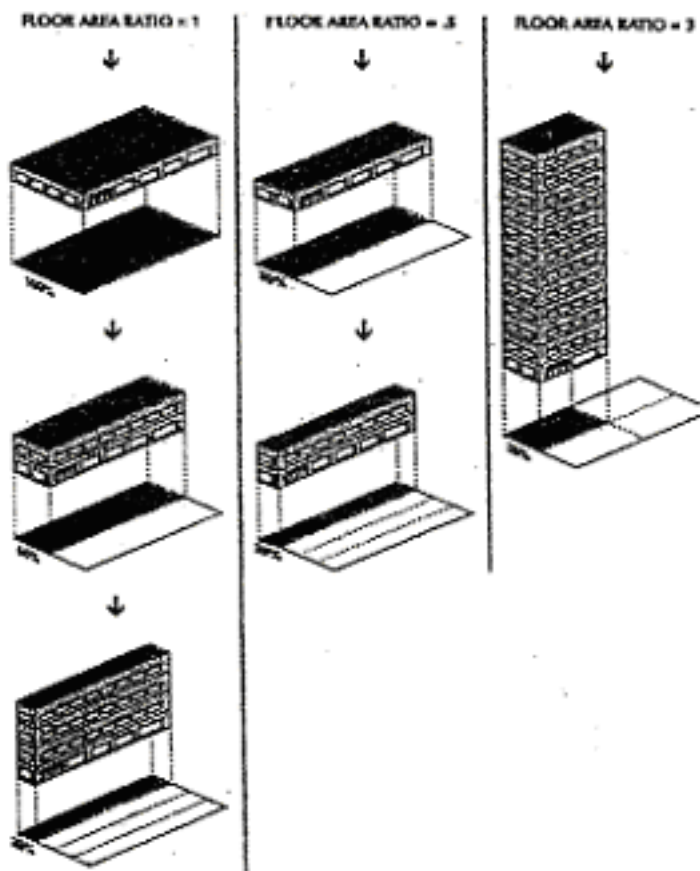
c. This section regulates the amount of area occupied either by a retail use or retail building size permitted in accordance with Table 16.13.025(2).

i. Maximum Individual Retail Use Area. The maximum area for each separate retail use listed in Table 16.13.025(2) means the area occupied by a discreet user as determined at the time of tenant improvement building permits or other mechanism such as design review application. Uses are considered separate when there is a fire rated wall separating two uses. The area of each use shall be measured from inner wall to inner wall not including hallways and common areas (gross leasable area).

ii. Maximum Single Use Retail Building Footprint Area. The maximum building area for a single use retail building shall be measured by the area contained within the footprint of the building, as measured from outside wall to outside wall, regardless of dividing walls or separate tenant areas.

This standard shall not apply to a mixed use building, as defined in 16.13.025(A)(2).

### Illustration of Floor Area Ratios. Measurement of building footprint area relative to the Neighborhood Commercial site area.



(Ord. 294 Att. A, (part), 2004; Ord. 259 (part), 2003)

[Title 16 LAND DEVELOPMENT CODE](#)[Chapter 16.13 PLANNED MIXED USE DISTRICT \(PMU\)](#)**16.13.030 Mixed use residential (MUR).**

Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. The proposed mixed use residential district is composed of four sub-areas: single-family detached, attached, multifamily and mixed use. The multifamily sub-area provides for a range of densities, each of which should be shown on the master plan map. The multifamily and mixed use sub-areas allow for retail uses that are meant to provide services to local residents, not attract outside traffic. The density requirements and minimum/maximum lot sizes are meant as a guide, and will vary based on the amount of unbuildable lands removed from gross acres. The density is calculated for each sub-area: single-family, attached, multifamily (low, medium and high), and mixed use buildings by calculating the average density for the residential district area identified in the master plan. Therefore, some lots may be smaller than the lot sizes given below, except for the single-family sub-area which has minimum lot size. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements. Specific housing types and permitted uses for each sub-area are listed in Table 16.13.030.

**A. MUR-S Single-family Dwellings.**

1. Minimum density of six units per net acre.
2. Minimum lot size of four thousand (4,000) square feet.

**B. MUR-A Attached Dwellings.**

1. Maximum density of twelve (12) units per net acre.
2. Minimum density of ten (10) units per net acre.

**C. MUR-M Multifamily Dwellings (excluding attached dwellings).**

1. Sub areas for multifamily units.

a. MUR-M1 (Low) units/net. acre.	15-24
b. MUR-M2 (Medium) units/net. acre.	25-34
c. MUR-M3 (High) units/net. acre.	35-50

2. Minimum density of eighty (80) percent of each sub area is required.

**D. MUR-X mixed use buildings with residential emphasis.**

1. Residential and retail combinations with the primary use of the building being residential.

Permitted commercial uses shown on Table 16.13.030.

Table 16.13.030  
Mixed Use Residential Permitted Uses

New streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan.

Use Permitted Outright = P

Use Requires Conditional Use Permit = C

Use Prohibited = X (if use is not permitted in any residential district it is not shown)

Use	MUR-S Single- Family Detached	MUR-A Attached	MUR-M Multifamily	MUR-X Mixed Buildings
Commercial—Retail Uses				
Art and craft supply stores, studios	X	X	X	P
Bakeries	X	X	X	P
Banks, savings and loan associations, loan companies, ATM (not drive in or drive through)	X	X	X	P
Barber shops, beauty salons	X	X	P	P
Bicycle sales, supplies, repair service	X	X	X	P
Book stores	X	X	X	C
Coffee shops, cafes, sandwich shops and delicatessens (no drive through service allowed)	X	X	P	P
Drug stores	X	X	X	P
Dry cleaners and tailors	X	X	X	P

Florists	X	P	P	P
Gift stores	X	X	X	P
Grocery, food, specialty foods, and produce stores	X	C	C	P
Hotels and residential hotels	X	X	C	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities.	X	X	C	C
Interior decorating shops, sales and service	X	X	X	P
Laundromats	X	X	P	P
Music shops, sales and service	X	X	X	P
Optometry and optical goods, sales and service	X	X	X	P
Photo finishing, photography studios	X	X	X	P
Post offices	X	X	X	P
Rental stores, without outdoor storage	X	X	X	P
Restaurants, full service	X	X	X	C
Shoe sales and repair stores	X	X	X	P
Sporting goods, sales and service	X	X	X	P
Stationary stores	X	X	X	P
Taverns, bars and cocktail lounges (1,500 feet from school uses, public parks and churches)	X	X	X	C
Yogurt and ice cream stores	X	C	P	P



Video rental stores	X	X	X	C
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	X	X	P (where scale and trip generation are compatible with residential development)	P (where scale and trip generation are compatible with residential development)
Commercial—Offices				
Professional and administrative offices	X	X	X	P
Medical office buildings	X	X	X	P
Residential				
Single-family dwellings	P	P	X	X
Attached dwellings, (townhouses, attached duplex, rowhouses)	C	P	P	P
Multifamily dwellings				
Low	X	X	P	P
Medium	X	X	P	P
High	X	X	P	P
Senior housing	X	X	P	P
Accessory dwelling units (Section 16.16.240)	P	P	X	X
Home Occupation (Section 16.04.080)	P	P	P	P
Institutional				
Churches, synagogues, temples or places of worship	C	C	C	C
Public park, usable open space	C	C	C	C

Private and public schools (includes day care)	C	C	C	C
Utility facilities (telecommunication, pump stations, substations)	X	X	C	C

(Ord. 303 Att. A (part), 2005; Ord. 296 Att. A (part), 2004; Ord. 294 Exh.2 (part), 2004; Ord. 201 § 4.063, 2000)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)

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#### **16.13.040 Master plan required.**

The PMU district encourages creative development patterns and well planned provision of infrastructure and uses. The district allows a variety of commercial uses and residential dwelling types and densities. The flexibility that is built into the PMU zone requires a property owner to prepare a detailed planning and study of PMU property resulting in a master plan, which delineates residential and commercial boundaries and provides for phasing of development that can be implemented over time. The master plan process also provides certainty for the city and neighbors who will know with some detail, the amount of open space, location of commercial activity areas, major transportation routes and planned densities and housing types allowed in the PMU zone.

A. A master plan in accordance with the process outlined in Sections 16.16.061 through 16.16.064 is required for mixed use developments over five acres.

B. Criteria for Approval.

1. Master plan is consistent with the purpose of this section, and meets the requirements Sections 16.16.061 through 16.16.064.
2. Master plan is consistent with the applicable provisions of the Happy Valley Comprehensive Plan and Land Development Ordinance.
3. If a master plan is proposed for a portion of contiguous ownership, then master plan must show transportation connections and other major functions on the contiguous land not included in the master plan.
4. A development agreement(s) is in place, or is part of the conditions of approval for a master plan. Development agreements provide a legal contract between the property owner and the city to provide for on-site and off-site improvements and development costs.

C. Site plan and platting as needed are required for development (if not completed during the master plan process).

1. Once a master plan is approved, the applicant shall prepare a site plan and go through the design review process, and/or go through the land division process in order to develop land. (Ord. 318 Att. A (part), 2005; Ord. 201 § 4.064, 2000)

Title 16 LAND DEVELOPMENT CODE

Chapter 16.13 PLANNED MIXED USE DISTRICT (PMU)

**16.13.050 Planned mixed use development standards.**

A. Setbacks and Yards.

- 1. Standards are flexible and shall be determined through the master plan or a design review process.
- 2. Criteria for Review. The master plan shows commercial and mixed use buildings fronting the public right-of-way or private accessways where possible and provides for small front yard setbacks to create a more active streetscape.

B. Width and Depth.

- 1. Standards are flexible and shall be determined through the master plan process or a design review.
- 2. Criteria for Review. The general standards outlined in Sections 16.16.020 and 16.16.080 through 16.16.130.

C. Usable Open Space and Lot Coverage.

- 1. Usable open space includes landscaped and hardscaped areas as defined in Section 16.04.080 of the LDO. The following requirements for open space apply to the PMU district and shall be calculated on the total square footage of each, thus allowing grouping of usable open space for separate tax lots:
  - a. Fifteen (15) percent of net site area.
- 2. Floor Area Ratios (FARs). FARs shall be applied to the MUC district during the design review process in accordance with the standards in Table 16.13.050(1).

Table 16.13.050(1)  
Floor Area Ratios for MUC district

Minimum nonresidential FAR in MUC district (must include a shadow plan to establish future development)	0.25:1
Maximum nonresidential FAR in MUC district	5:1

Minimum mixed use building with residential uses FAR in MUC district	0.25:1
Maximum mixed use building with residential uses FAR in MUC district	5:1

3. Floor Area Ratios (FARs). FARs shall be applied to the MUE district during the design review process, in accordance with the standards in Table 16.13.050(2).

Table 16.13.050(2)  
Floor Area Ratios For MUE District

Minimum nonresidential FAR in MUE district (must include a shadow plan to establish future development)	0.25:1
Maximum nonresidential FAR in MUE district	2:1
Minimum mixed-use building with residential uses FAR in MUE district	0.25:1
Maximum mixed-use building with residential uses FAR in MUE district	3:1

#### D. Structure Heights.

1. Standards are flexible and shall be determined where detail is available through the master plan process, and once a master plan is approved, shall be approved through a design review process.

#### 2. Criteria for Review.

- a. Maximum height in MUC district: sixty-five (65) feet;
- b. Maximum height in the MUE district: sixty-five (65) feet;
- c. Maximum height in MUE neighborhood commercial sub district: sixty-five (65) feet;
- d. Maximum height in MUR district: sixty-five (65) feet, although detached single-family and attached single-family dwellings are limited in height to the standards found within Section 16.20.060 (Building heights).

#### E. Parking and Access.

1. To meet the requirements of Title 2 of Metro's Urban Growth Management Functional Plan, the following parking standards apply to development in the planned mixed use zone. Title 2 of the functional plan identifies maximum parking ratios for Zone A and Zone B areas, which are mapped on the Title 2 Parking Map.
2. Criteria for review are included in Table 16.13.050(3): Parking Ratios.
  - a. Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the city), on street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.
  - b. Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.
  - c. Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.
  - d. On-street parking within three hundred (300) feet of a use may be counted as part of the minimum spaces required.
  - e. If applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this code. The evidence shall consist of a parking study performed by a licensed traffic engineer and shall be based on an actual parking survey data of the same use proposed, or on Institute of Transportation Engineers (ITE) data.
  - f. Shared Parking. If applicant demonstrates that parking is reasonably accommodated between two uses, such use shall be permitted to reduce parking requirement by more than ten (10) percent if supported by a shared parking analysis.
3. Bicycle parking shall be provided in conformance with the following minimum standards. These standards are subject to modification by the planning director:
  - a. Number of Bicycle Parking Spaces. A minimum of two bicycle parking spaces per use required for all uses with greater than ten (10) vehicle parking spaces. The following additional standards apply to specific types of development:

Multifamily Residences. For residential uses of four or more dwelling units, one bicycle parking space will be provided for every four units. Sheltered bicycle parking spaces are encouraged and may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

Assisted Living, Senior Care Facilities, Nursing Home or Hospital. For these uses one bicycle parking space will be provided for every twelve (12) beds.

Group Living and Independent Senior Facilities. For these uses one bicycle parking space will be provided for every twenty (20) residents.

Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.

Schools. Elementary schools, both private and public, provide two bicycle parking spaces for every classroom. Middle schools and high schools, both private and public, provide four bicycle parking spaces for every classroom. All spaces should be sheltered under an eave, overhang, independent

structure, or similar cover.

**Colleges and Trade Schools.** Provide one bicycle parking space for every ten motor vehicle spaces plus one space for every dormitory unit. Fifty percent (50%) of the bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover.

**Churches, Auditoriums, Theater or Other Places of Public Assembly.** For these uses one bicycle parking space for every forty (40) seats or forty (40) persons of design capacity, which ever is greater, will be provided.

**Commercial Uses.** For commercial uses, bicycle parking for customers will be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six bicycles. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least sixty (60) inches between bicycles and other existing and potential obstructions. Customer spaces are encouraged to be sheltered.

**Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be the total of all uses calculated separately. A minimum of one bicycle parking space for every ten motor vehicle parking spaces is required.

b. **Exemptions.** This section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten vehicle parking spaces.

c. **Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

Bicycle racks must hold bicycles securely by the frame and be securely anchored. Bicycle racks must accommodate both locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and, locking the frame and both wheels to the rack with a chain or cable not longer than six feet. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet. An aisle five feet wide for bicycle maneuvering must be provided.

d. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

e. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

f. **Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.

g. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked with approved signage and reserved for bicycle parking only.

h. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

i. **Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a

continuous pedestrian and/or multi-use pathway system as shown in the Happy Valley Parks Master Plan. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-4, below:

i. **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property.

ii. **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

(A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(B) **Safe and Convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(C) For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

(D) For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

iii. **Connections Within Development.** For all developments subject to site design review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

iv. **Design and Construction.** Pathways shall be designed and built in accordance with city public works standards.

4. **Carpool, Hybrid and Electric Car Parking.** For this section a hybrid car is defined as an automobile that is powered by two fuel sources (i.e. gas and electricity) and achieves a combined EPA gas mileage of forty-five (45) mpg or more.

For office, industrial, and institutional uses where there are more than twenty (20) employee parking spaces on the site, the following standards must be met:

a. Five spaces or five percent of the parking spaces on the site, whichever is less, must be reserved for carpool/hybrid/electric car use during normal working hours. More spaces may be reserved, but they are not required.

b. The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

c. Signs must be posted indicating these spaces are reserved for carpool/hybrid/electric car use during normal working hours and those hours must be included on the sign.



Table 16.13.050(3)

## Parking Ratios

<b>Use Category</b>	<b>Minimum Parking Spaces Required</b>	<b>Maximum Parking Spaces Required</b>
Commercial—Retail		
Retail trade, including shopping centers, service businesses (per 1,000 gross square feet)	3.0	5.1 in Zone A
	3.0	6.2 in Zone B
Movie theaters (per number of seats)	0.3	0.4 in Zone A
	0.3	0.5 in Zone B
Sports club/recreation facilities (per 1,000 gross square feet)	4.0	5.4 in Zone A
	4.0	6.5 in Zone B
Restaurants	10.0	19.1 in Zone A
	10.0	23.0 in Zone B
Commercial—Office		
Medical offices (per 1,000 gross square feet)	3.9	4.9 in Zone A
	3.9	5.9 in Zone B
General offices (per 1,000 gross square feet)	2.7	3.4 in Zone A
	2.7	4.1 in Zone B
Residential		
Single-family (unit)	1.0	None
Attached dwellings (unit)	1.0	None
Multifamily (unit)	1.0	None

Senior housing (apartments = unit) (convalescent care = bed, based on maximum capacity)	1.0/unit + 0.25/ bed	2.0/unit + 0.50/ bed
Mixed use (res-retail)	(1.0/unit + required retail minimum)*90%	1.0/unit + required retail minimum
Institutional		
Churches, synagogues, temples or places of worship (spaces/seats)	0.5	0.6 in Zone A
	0.5	0.8 in Zone B
Public parks, usable open space	None	None
Private commercial schools (includes day care)	None	None
Library, community center	None	None
Utility facilities (telecommunication, pump stations, substations)	None	None

#### F. Tree Removal.

1. Tree removal is not permitted in conjunction with a Master Plan, but rather must be applied for in compliance with Section 16.20.090 in conjunction with a concurrent or subsequent land division or site design review application.

#### G. Landscaping, Street Trees and Buffering.

1. The mixed use district shall have street trees and landscaping to create attractive developments, especially in the residential areas. Use of existing mature trees shall be utilized pursuant to Section 16.20.090 [LDO]. Standards are flexible and shall be determined where detail is available through the master plan. Hardscaping, such as plazas, and courtyards can count as landscaped areas if they are accessible to all users of a particular development.

#### 2. Criteria for Review.

a. Within fifty (50) feet of established single family residential uses, there will be a vegetative buffer of at least ten (10) feet in depth, planted with evergreen trees or other screening materials to screen adjacent uses from development that is more intense than the existing residential uses. Where possible, existing evergreen vegetation will be left in the vegetative buffer area.

b. Landscape plans are required in the master plan process, and they shall use the standards in Section 16.20.100 as a guideline for basic landscaping features, planting materials, and provisions. Where future development areas are indicated on the master plan, detailed landscape plans shall be submitted in accordance with Section 16.20.100 during the design review process.

c. Due to the increased intensity of development in the planned mixed use district, Hardscaping is

allowed to be included in the landscaping calculations, but not in the vegetative buffer, described subsection (G)(1) of this section.

#### H. Street Standards and Connectivity.

1. Mixed use areas need pedestrian and vehicular connections to provide for good access and distribution of traffic flow and promote connected trips. Existing development patterns may make connections difficult or impossible to achieve. New public streets shall comply with the functional classification of the Happy Valley Transportation System Plan. Private streets are permitted in the MUR and MUC districts in the PMU zone.

2. In order to meet the requirements of Title 6 of the Urban Growth Management Functional Plan, the following shall apply:

a. Residential street connections for planned mixed use areas shall be no greater than every five hundred thirty (530) linear feet, except where topography, existing street patterns, barriers such as railroads, freeways, or environmental constraints require otherwise.

b. Local street widths shall conform with the requirements of the currently adopted Happy Valley Transportation System Plan (TSP).

c. Cul-de-sacs should be used where needed because topography, pre-existing development, or environmental constraints prevent full street extension. Cul-de-sacs are limited to two hundred (200) feet long, and twenty-five (25) dwelling units unless topography, pre-existing development, or environmental constraints exist.

d. Provide bicycle and pedestrian connections on public easements or right-of-way when full street connections are not possible.

e. On-street parking is encouraged on local and level 2 collector streets.

f. Where a transit stop exists or a major transit stop is planned as defined in the regional transportation plan and a building is within one thousand two hundred (1,200) feet of the stop, direct pedestrian access shall be provided from the primary public entrance of the building to the stop. Access will be either through the construction of a new pathway or connection to an existing pathway or sidewalk. Direct pedestrian access means the most direct route reasonably possible providing for topographic and development constraints. This section does not apply to single-family residential uses.

#### I. Land Division Processes.

1. PMU lands require a master planning process that includes a public hearing in front of the planning commission for consideration and approval. Concurrent or subsequent partitions, subdivisions or PUD's may be filed by the applicant, per the provisions of this Title.

2. Partitions, land divisions and subdivisions covered by a master plan shall be in conformance with the approved master plan.

J. Design Review Process for Master Planned Areas. Development on PMU lands requires an extensive master planning process that includes a public hearing before the planning commission for consideration and approval. Consideration of the master plan for approval involves examination of design elements such as landscaping, typical building elevations, pedestrian pathways, and identification of open space. Therefore, development submitted concurrent with a master plan shall be coordinated with the master plan approval under the design review II process as determined by the planning commission in the approval decision.

1. Design Review II Concurrent with Master Plan Approval. The master plan process gives the

applicant the opportunity to submit development applications at the same time and request coordinated reviews. At the applicant's request, a site specific design review process and review as described in Chapter 16.32 shall be concurrent with the master plan process. (Ord. 318 Att. A (part), 2005; Ord. 259 (part), 2003; Ord. 230 § 4.065, 2001; Ord. 201 § 4.065, 2000)

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**Chapter 16.14 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)**

[16.14.010 Temporary use permits.](#)

[16.14.020 Home occupation permits.](#)

[16.14.030 Sport courts.](#)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.14 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)

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#### **16.14.010 Temporary use permits.**

Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Four types of temporary uses require permit approval:

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for a period no longer than ninety (90) days. Using the administrative review process, the city shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet his or her minimum parking requirements;
4. The use provides adequate vision clearance, and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
7. The use is adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits); and,
8. An extension of sixty (60) days may be obtained if determined appropriate by the city administrator.

B. Temporary Sales Office (non-Model Home). Using the administrative review process, the city may approve, approve with conditions or deny an application for the use of any real property within the city as a temporary sales office or offices for the purpose of facilitating the sale of real property, in any subdivision or tract of land within the city, but for no other purpose, based on the following criteria:

1. Temporary Sales Office.
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;

- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;
- c. The length of time that the temporary building will be used does not exceed twelve (12) months, and if a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit;
- d. The temporary sales office is required to conform to the setbacks of the underlying development district, shall provide skirting, and shall obtain all necessary permits, including building, electrical and plumbing, as applicable; and,
- e. The temporary sales office is required to provide a minimum of two temporary off-street parking spaces, to be constructed of compacted gravel or similar pervious surface, or an impervious surface.

C. Temporary Building (Commercial/ Industrial). Using the administrative review process, the city may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on the following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate when combined with the other uses of the property;
4. There is adequate parking for the customers or users of the temporary use per applicable parking requirements;
5. The use will not result in vehicular congestion on streets;
6. The use will pose no hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer and water, if necessary. (The applicant shall be responsible for obtaining any related permits);
10. The length of time that the temporary building will be used does not exceed twelve (12) months, and if a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and
11. Adequate landscaping, buffering or other method to assure the structure is visually consistent with conditions surrounding the site.

D. Temporary Building (Construction Site). Using the administrative review process, the city may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any construction site within the city based on following criteria:

1. The temporary construction site building shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
2. The property to be used for a temporary construction site building shall not be permanently improved for that purpose;

3. The length of time that the temporary construction site building will be used does not exceed twelve (12) months, and if a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit;
4. The temporary construction site building is required to conform to the setbacks of the underlying development district; shall provide skirting; and shall obtain all necessary permits, including building, electrical and plumbing, as applicable; and,
5. The temporary construction site building is required to provide a minimum of two temporary off-street parking spaces, to be constructed of compacted gravel or similar pervious surface, or an impervious surface. (Ord. 318 Att. A (part), 2005; Ord. 303 Att. A (part), 2005)



## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.14 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)

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#### **16.14.020 Home occupation permits.**

The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

##### A. General Requirements.

1. A home occupation permit shall be made by the person desiring to conduct the use, and, the owner or authorized representative of the property on the form provided by the city, including submittal of the appropriate fee.
2. Besides meeting the requirements of this section, the business or commercial use of any home for a home occupation must be supported by an active city business license.
3. For the purposes of this section, "home" refers to the residential location, including a single-family dwelling unit, accessory dwelling unit, multi-family unit, condominium unit, etc.
4. Mailed notice of a home occupation permit decision shall occur to properties that immediately abut (border) the home occupation residence. In the case of multi-family units, no mailed notice of decision is required.

##### B. Appearance of Residence.

1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification. In addition, there shall be no display or other evidence (including signs), that will indicate from a public right-of-way or abutting residences that the dwelling unit is used in whole or in part for any purpose other than as a dwelling.
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. There shall be no change in the most current One and Two Family Dwelling (CABO) Code occupancy classification of the dwelling unit or any portion of the dwelling unit, including the garage.
5. No more than an area equivalent to fifty percent (50%) of the total floor area of the home may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Home occupation areas may be located within a portion of the dwelling building and/or an attached or detached garage. However, home occupations shall not be located in other accessory

structures, except for an approved accessory dwelling unit.

6. No customers shall be on the premises between 10:00 p.m. and 7:00 a.m.

#### C. Storage.

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.

2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use, is prohibited.

3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

#### D. Employees.

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.

2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pickup/deliver at the home.

3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

#### E. Vehicles, Parking and Traffic.

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

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

3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

#### F. Prohibited Home Occupation Uses.

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.

2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to subsections A through F of this section.

3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibrations, such as:

a. Ambulance service;

b. Animal hospital, veterinary services, kennels or animal boarding;

- c. Auto and other vehicle repair, including auto painting;
- d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

G. Administration and enforcement.

1. The city manager or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with the Happy Valley Municipal Code.
2. The approval for a home occupation permit shall be valid as long as an active business license is maintained and renewed annually. The home occupation permit may be revoked by the city manager or his or her designee for a violation of any provision of this chapter, a violation of any term or condition of the permit, or failure to renew the city business license when due. (Ord. 303 Att. A (part), 2005)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.14 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)

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#### **16.14.030 Sport courts.**

Sport courts, 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 community development director or designee, and shall be evaluated according to the following criteria:

- A. 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.
- B. Storm Water Management: The applicant shall be subject to the rules and requirements of Clackamas County Service District No. 1 (Water Environment Services).
- C. Screening and Buffering: The applicant shall provide a minimum ten-foot wide landscaped buffer between the sport court and abutting residential properties. 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 sport court that abut residential development. (Ord. 318 Att. A (part), 2005)

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**Chapter 16.16 METHODS OF DEVELOPMENT**

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**Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS**

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[Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS](#)

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**16.20.010 Purpose.**

As land develops, a type of continuity to the form of development is a necessary and desirable requirement. Standards which are established and applied to ongoing development help to strengthen patterns and trends, maintain land values and prevent damage to the public health, safety, peace and general welfare. The purpose of this chapter is to set forth various standards to be applied to any and all forms of development as it occurs within the city. Both directly and indirectly, the standards assist in shaping the city, controlling development and insuring conformance with the comprehensive plan. (Ord. 97 § 6.01, 1986)

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**16.20.020 Building types.**

Building types vary by the type of use and are generally defined in Section 16.04.080, Definitions.  
(Ord. 97 § 6.02, 1986)

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### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

#### **16.20.030 Setbacks and yards.**

A. Purpose. Setbacks for all structures shall meet the stated minimum distances for each district. Where no minimum has been stated, the planning commission or appropriate and designated body or agent shall determine a minimum setback based on the following criteria:

1. The intended use of the lot;
2. The district in which the site is located;
3. Size of the lot and percentage of lot coverage;
4. Accessory uses proposed on the lot;
5. Surrounding uses;
6. Impact on or by other chapters of this title;
7. Impact on surrounding uses or development;
8. Setbacks for the same or similar uses in Happy Valley or other areas.

B. Variance. Setbacks may be varied only by the planning commission or appropriate and designated body or agent in accordance with Chapter 16.28 of this title, incorporating the above criteria in subsection (A) of this section.

C. Residential. In residential districts, all spaces created by setbacks of buildings from property lines shall be considered as yards. All yards will be subject to the pertinent provisions of this development code including, but not limited to, Sections 16.20.090, 16.20.100, 16.20.110 and 16.20.130.

D. Availability. For any lot which is adjacent or contiguous to a proposed street or roadway as illustrated or described in the comprehensive plan or any other document, the setback shall be increased by one-half of the proposed additional right-of-way for the proposed traffic way. This will insure the availability of adequate land for future development of the right-of-way.

E. Structure Extensions. Any part of any building that extends more than two feet beyond its foundation and is thirty inches or more above grade shall require administrative review and approval by the building official or their official designee prior to construction. Adjust setbacks in development district Section 16.12.020 of LDO by two feet as follows:

ZONE	FRONT	REAR	INT. SIDES	STREET SIDE
R-40	32 feet	32 feet	22 feet	15 feet
R-20	32 feet	32 feet	12 feet	15 feet

R-15	22 feet	22 feet	12 feet	15 feet
R-10	22 feet	22 feet	12 feet	15 feet
R-8.5	22 feet	22 feet	7 feet	15 feet
R-7	22 feet	22 feet	7 feet	15 feet

(Ord. 303 Att. A (part), 2005; Ord. 127 § 6.035, 1994; Ord. 97 § 6.035, 1986)

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### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.040 Width and depth.**

A. Purpose. Width and depth for all lots not developed as a planned unit development or a subdivision as defined in Section 16.16.090 shall meet the stated minimum dimensions for each district. Where no minimum dimension has been stated, the planning commission or appropriate and designated body or agent may determine the minimum dimensions for width and/or depth of a lot based on the following criteria:

1. The intended use of the lot;
2. The district in which the site is located;
3. Surrounding uses;
4. Existing topography, soil conditions (if applicable) and other physical characteristics of the site and the vicinity;
5. The pattern of existing lot sizes and configurations in the vicinity;
6. The trend of developing lot sizes and configurations in the vicinity;
7. Impact on surrounding uses or development;
8. Minimum dimensional standards applied under the same or similar conditions in Happy Valley or other areas.

B. Variances. Width and depth dimensional standards may be varied only by the planning commission or appropriate and designated body or agent, in accordance with Chapter 16.28 of this title, incorporating the above criteria in its consideration.

C. When determining if a lot meets the width and/or depth dimensional standards as stated in this chapter or determined by the planning commission or appropriate and designated body or agent, the following criteria shall be used:

1. For lot width, the dimension shall be that which is measured between the exact mid-points of the side lot line;
2. For lot depth, the dimension shall be that which is measured between the exact mid-points of the front and rear lot lines;
3. Width and depth for corner lots shall be determined. (Ord. 97 §§ 6.04--6.043, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.050 Coverage.**

A. Purpose. Lot coverage for all lots not developed as a planned unit development or a subdivision as defined in Section 16.16.090 shall meet the stated maximum percentage for each district. Where no maximum percentage has been established, the planning commission or appropriate and designated body or agent shall determine the maximum percentage for lot coverage based on the following criteria:

1. The intended use of the lot;
2. The district in which the lot is located;
3. Setbacks required by the district in which the lot is located;
4. Lot width and depth:
  - a. Of the actual lot in question,
  - b. As required by the district in which the lot is located.
5. Existing topography and other physical characteristics of the site and the vicinity;
6. Surrounding uses;
7. Impact on or by other chapters of this title;
8. The pattern and trend of lot coverage for existing and developing lots in the vicinity;
9. Impact of the change in lot coverage on surrounding uses and development;
10. Lot coverage standards applied under the same or similar conditions in Happy Valley or other areas.

B. Variances. Lot coverage standards may be varied only by the planning commission or appropriate and designated body or agent in accordance with Chapter 16.28 of this title, incorporating the above criteria in its consideration. (Ord. 97 §§ 6.05--6.052, 1986)

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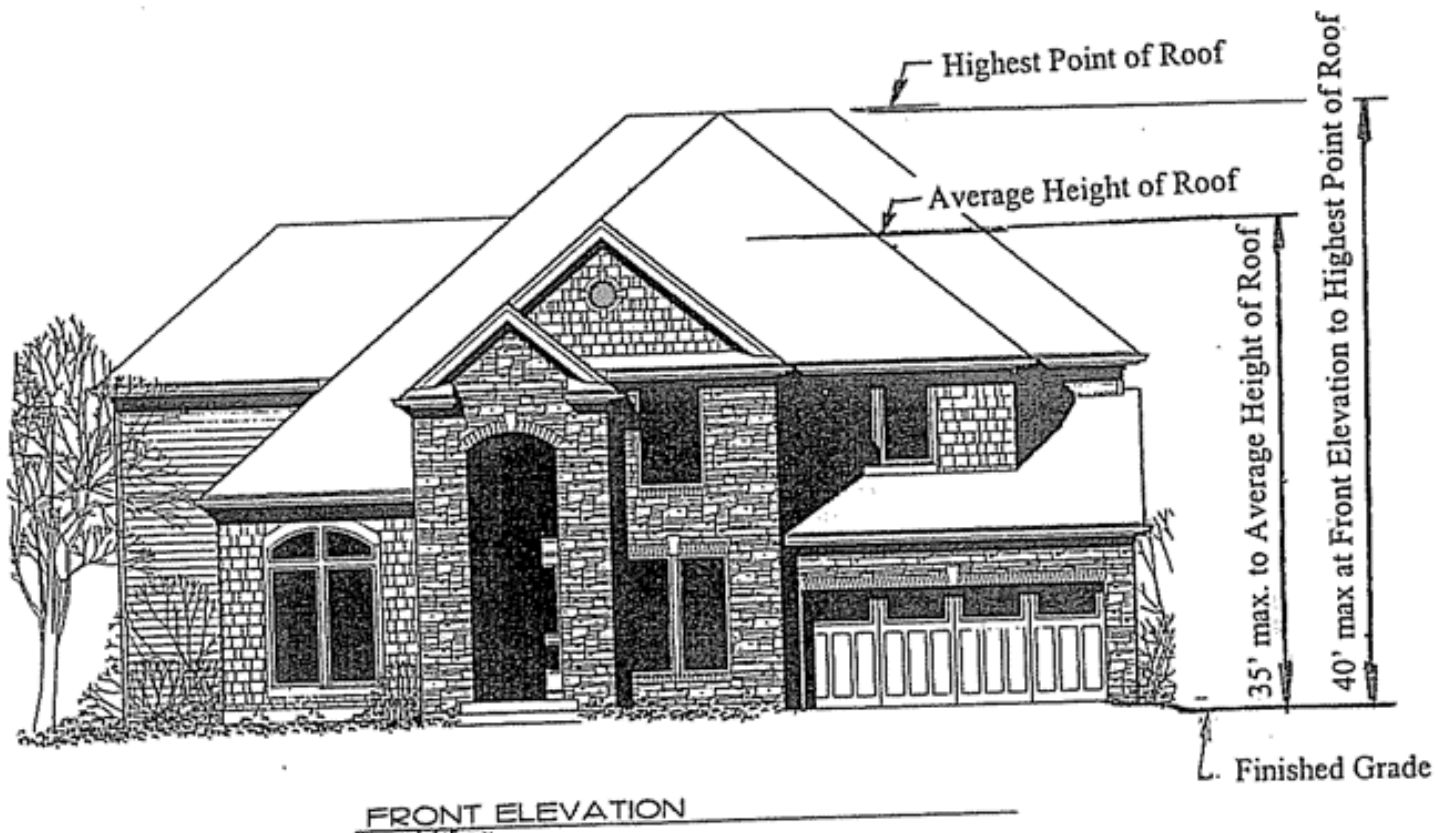
**16.20.060 Building heights.**

A. "Finished Grade" is defined as actual grade when a house is submitted for a building permit.

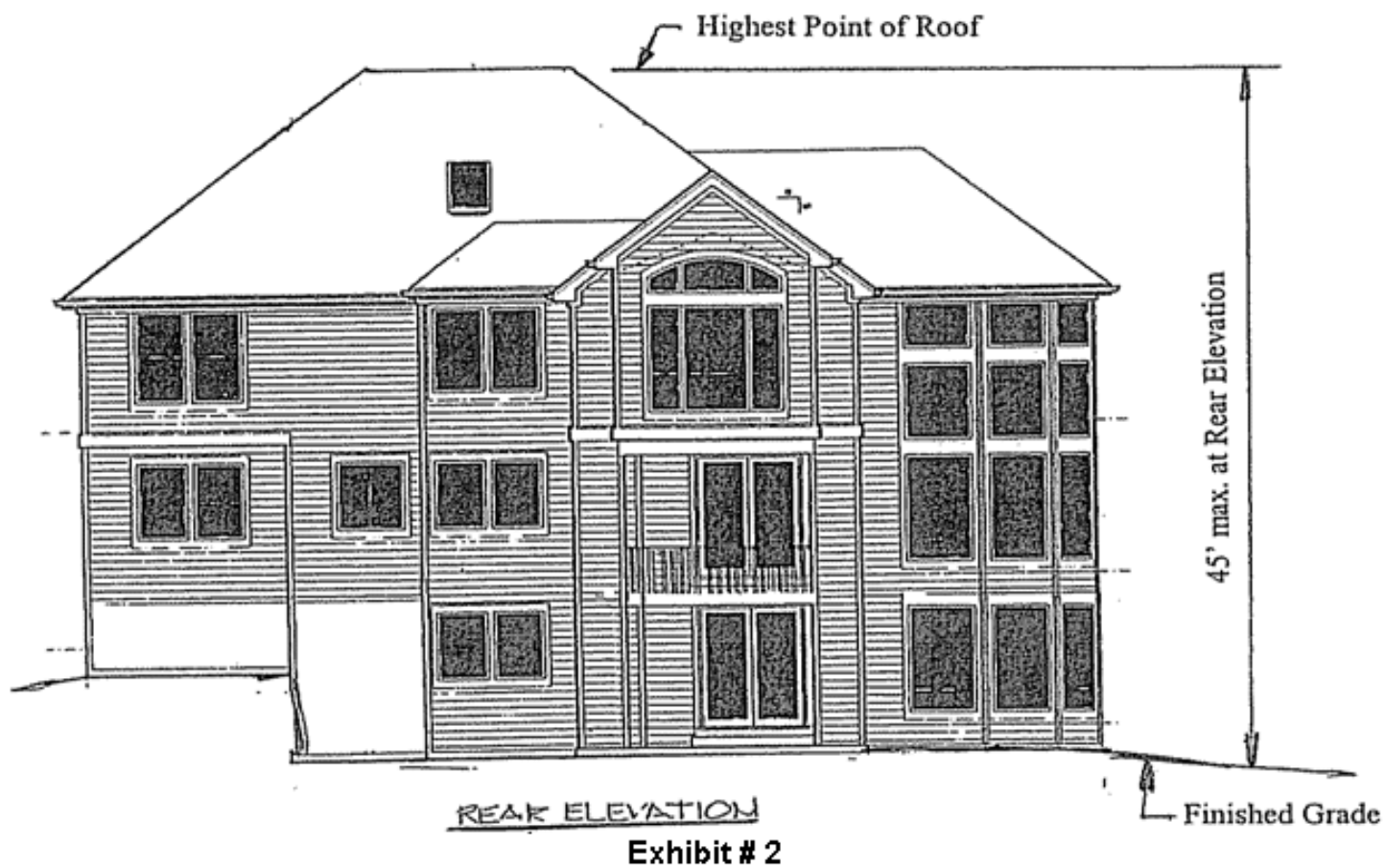
B. "Average Roof Height" is the average height from the eave to the highest point of the roof.

C. "Front Elevation" (applies to both elevations with street frontages on corner lots.)

Height from finished grade to average height of roof is thirty-five (35) feet maximum; however, no portion of the roof may be greater than forty (40) feet.

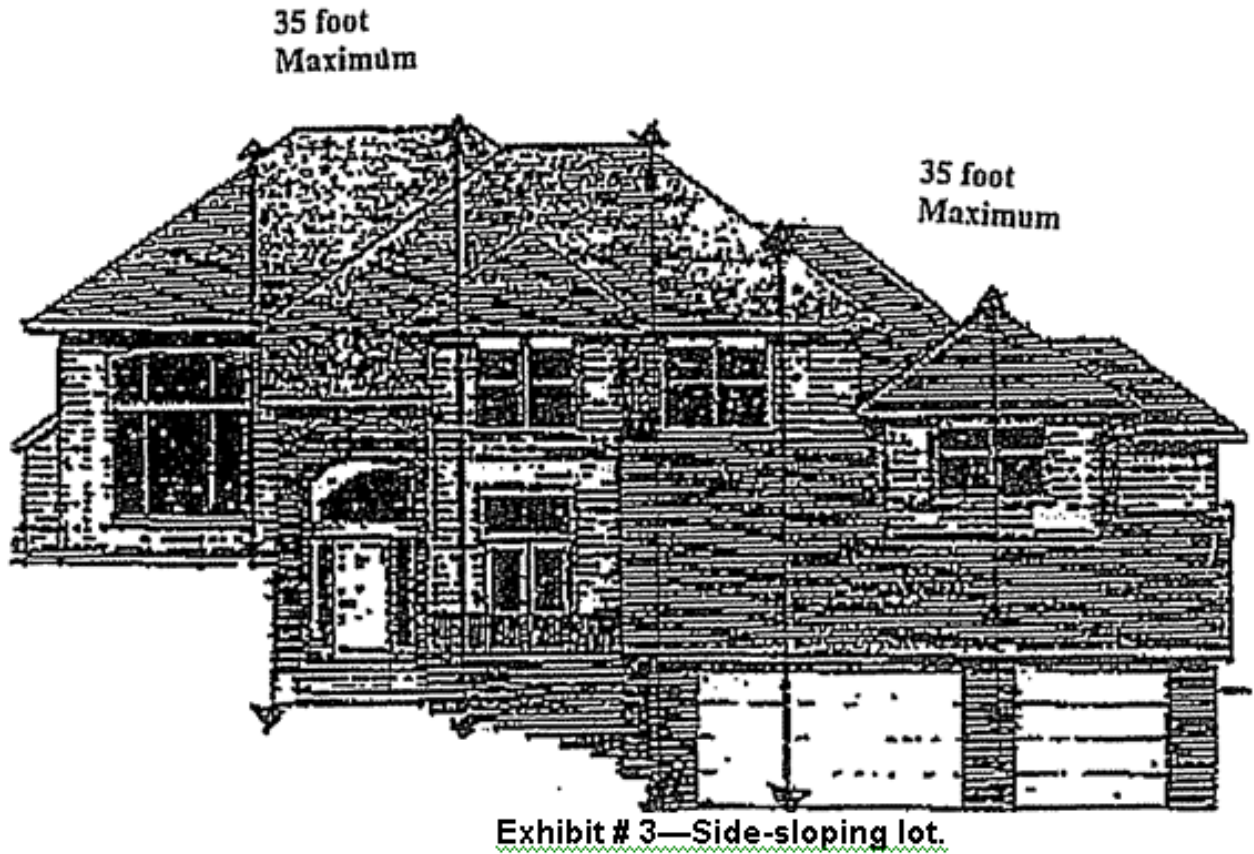


**Exhibit # 1**



Rear and Side Elevations: Height from finished grade to highest point of roof is 45' maximum.





Maximum height at front of building is 35 feet for each segment of the building.

D. Side Sloping Lots. Within any residential district, lots having a natural side-slope of greater than ten (10%) percent shall have a maximum building height of thirty-five (35) feet for each segment of the structure. This measurement is taken at the front of the structure from finished grade to the highest point of the building within each segment. (See Exhibit 3)

E. Corner Lots: Building height shall not exceed forty (40) feet on each street frontage as measured to the highest point of the building.

F. Variances. Building heights as allowed by this chapter may be varied only by the planning commission or appropriate and designated body or agent in accordance with Chapter 16.28 of this title. (Ord. 303 Att. A (part), 2005; Ord. 137 § 6.06—6.063, 1995; Ord. 97 §§ 6.06—6.063, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.070 Parking and access.**

- A. Intent. The state's transportation planning rule calls for reductions in vehicle miles traveled per capita and restrictions on construction of new parking spaces as a means of responding to transportation and land use impacts of growth. The Metro 2040 Growth Concept calls for more compact development as a means to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives.
- B. No off-street parking shall be allowed in the landscaped yard areas of any lot.
- C. Availability. All dwellings shall have direct, unimpeded access from the required off-street parking spaces as provided for in subsection (A) of this section to the nearest public street, road or accessway.
- D. Procedure. Minimum Requirements for Other Uses:
1. Required parking shall conform to the Metro functional plan requirements as shown on the regional parking ratio table. Designations for Zones A and B shall be reviewed upon completion of the regional transportation plan and every three years thereafter;
  2. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. When any parking area for the parking of three or more cars is to be established, the standards set forth in this section shall be complied with;
  3. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the planning commission or appropriate and designated body or agent;
  4. Any additional enlargement of an existing structure requires the entire structure to comply with minimum parking requirements;
  5. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately;
  6. Owners of two or more uses, structures and parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases or contract securing full access to such parking areas for all the parties jointly using them;
  7. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet;
  8. Parking spaces shall not be rented, leased, or assigned to any other person or organization other than the owners or tenants of the building. The conducting of any business activity shall not be permitted on the required parking areas;

9. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or evergreen planting. The screening shall be continuous along that residential boundary except that it shall not exceed two and one-half feet in the front ten (10) feet of the line and shall be at least five feet in height along the balance thereof;

10. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard of curb at least four inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with the required screening;

11. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete or other approved impervious surface, and shall provide for suitable drainage;

12. Artificial lighting which may be provided shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.

E. Parking Requirements for Unlisted Uses or Uses Without Stated Standards. For any use not listed in this title or provided with stated parking and access requirements, the planning commission or appropriate and designated body or agent shall review the use and determine the need for parking and access, based on the following criteria:

1. The intended use of the site;
2. The district in which the site is located;
3. Size of the total site;
4. Location and direction of traffic ways adjacent to the site which may be used as routes of access;
5. Surrounding uses.

F. Variances. Requests for variances from the parking standards shall be processed in conformance with Chapter 16.28 (Variances). (Ord. 201 §§ 6.07--6.076, 2000; Ord. 97 §§ 6.07--6.076, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.080 Utilities.**

A. Purpose. The approval of any partition, subdivision of land or planned unit development within the city by the planning commission or appropriate and designated body or agent and the city council shall be upon the express condition that all utility lines, including but not limited to those required for electric, communication, street lighting and cable television services and related facilities, shall be placed underground. Whether or not such underground facilities have supporting containers or are buried in the earth shall be determined by the utility involved in compliance with all applicable safety regulations.

B. Variances. Subsection (A) of this section shall not apply to surface mounted transformers, surface mounted connection boxes and the meter cabinets which may be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operated at fifty thousand (50,000) volts or above.

C. Procedure. The developer shall be responsible for and shall make all necessary arrangements with the serving utilities to provide the underground services as required in subsection (A) of this section. All such underground electric and communication facilities as described above shall be constructed in compliance with the rules and regulations of the Public Utility Commissioner of the state of Oregon, relating to the installation and safety of underground lines, plant, system, equipment and apparatus. When any public property including but not limited to streets and parks is disrupted by the installation, hookup or provision of services or facilities, the developer shall insure that the public property is returned as nearly as possible to the condition existing prior to the disruption. A bond, security agreement or cash deposit with the city for the estimated cost of repair of the public property shall be deposited with the city prior to the commencement of any work. The developer shall sign a statement supplied by the city attorney which will hold the city harmless for all disruption, repair and liability involved with such project.

D. Availability. Easements or utility strips satisfactory to the serving utilities shall be provided for by the developer and shall be set forth on the plat before recording in the county records or in the records of any other governmental agency entitled to recordation by law or agreement. (Ord. 97 §§ 6.08--6.084, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.090 Tree cutting and preservation.**

A. Purpose. The purpose of this section is to regulate the removal of trees in order to preserve the wooded character of the City of Happy Valley, 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 property owners where such management is in keeping with the purposes of this section.

B. Definitions. For the purposes of this section the following terms shall have the following meanings:

“Applicant” means any lessee, agent, employee or other person acting on behalf of a property owner with the owner’s consent. “Applicant” may also include the actual owner of the property for which a tree removal permit is being applied.

“Approval” means written approval by the city or an approved representative of the city.

“City manager” means the city manager or the city manager’s designee, except where the context expressly requires otherwise.

“Dangerous tree” means a tree which, due to its location or condition, presents a clear public safety hazard or an imminent danger of property damage, where such hazard or danger cannot reasonably be alleviated by treatment, pruning or other means.

“Developed land” means a parcel or parcels of land developed to the full extent permitted by the current development regulations.

“Land Development Ordinance” or “LDO” means Happy Valley’s Land Development Ordinance 97, as amended.

“Limbing” means the removal of a branch of a tree back to the main trunk of such tree.

“Owner” means and includes, for the purposes of this section, any person with a freehold interest in land, or a lessee, agent, employee or other person acting on behalf of the owner with the owner’s consent.

“Person” means any individual or legal entity.

“Removal” or “remove” means to cut down a tree, remove the crown or top of the tree, or to damage a tree so as to cause the tree to decline and/or die. “Removal” includes, but is not limited to, damage inflicted upon the root system by the application of toxic substances, the operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions. “Removal” does not include normal trimming or pruning of trees, but does include topping of trees.

“Street tree” means any tree located within a street right-of-way.

“Topping” means the severe cutting back of limbs within the tree’s crown to such a degree as to remove the natural canopy and disfigure the tree. With regard to “fir,” “evergreen” or any other variety

of conifer, “topping” means the removal of any portion of the highest point of the tree. If the tip has curled over, it will still constitute the highest point of the tree.

“Tree” means any woody plant, dead or alive, having a trunk six inches or more in diameter, maximum cross section, at 4.5 feet above ground level, measured from the uphill side. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

“Tree farm” means any property being lawfully utilized for the commercial production of landscaping, nursery stock or Christmas trees, and including fruit and nut orchards; provided, however, that any land previously designated for exclusive farm use (EFU) by Clackamas County, within a state or county tax deferral program for timber production, and subsequently annexed into the city, shall be treated as a “tree farm” for purposes of this section for so long as the deferrals remain in effect.

“View corridor” means a strip of land, not to exceed thirty (30) feet in width, through or over which an aesthetically pleasing vista of the surrounding landscape or cityscape may be seen.

“Volume removal” means the removal of twenty-five (25) percent or more of the trees from a property at any one time, when the number of trees upon such property totals sixteen (16) or more.

### C. 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. The city may, at its discretion, allow for a waiver of tree removal fees for trees determined to be in the building envelope, dangerous, diseased or dying. 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.

### D. 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 LDO;
  - d. The property does not contain trees protected as a condition of approval of development pursuant to the LDO; 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. Any person granted a Type A permit is encouraged to replace each removed tree with at least one replacement tree on the same property, or an approved alternate public property in the city. All replacement trees should measure, by caliper method, two inches or more in diameter, and should be planted not more than six months after removal.

6. 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.

7. An exception to subsection (D)(1)(a) of this section may be made by a representative of the city for trees that are located within the building envelope of a proposed structure.

E. 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 Section 16.20.090(D) 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. Drainage ways, wetlands and surface water features shall also be identified on the map;
- 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 may be replaced on a basis of up to three trees replanted for each tree removed, quantity to be determined by the community development director. 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, 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 two inches in diameter as measured by caliper method. The city may review and modify tree replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. Street trees may be included in replacement calculations. Where it is not feasible or desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location in the city.

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 seven working days, the city shall notify an applicant if the application is deemed complete or not complete. Within twenty-one (21) working days of the submission of a complete or completed Type B application, the city shall approve or deny the application;
- 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; or
  - iv. Otherwise necessary or desirable for responsible property management, taking into consideration scenic, aesthetic, ecological, wildlife and similar values.



## F. Tree Removal in Conjunction with Subdivision Construction, Planned Unit Development Construction, or Land Partition Development.

1. A Type B permit must be obtained prior to tree removal of any kind in connection with a subdivision, planned unit development or land partition.
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; 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 including stormwater detention facilities per Section 15.12.050 of this Code; and, within the potential building envelope. 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, planned unit development PUD or land partition 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 or land partition tree removal permit as described in subsection (2) above. 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, planned unit development or partition 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. Review and approval of said arborist report shall be the responsibility of the community development director and city engineer (or designees).
4. Removal of trees will not be allowed within thirty (30) feet of the high water mark on either side of an identified drainage way. An identified drainage way 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 drainage way unless such tree is determined by a city representative to be a dangerous tree. For any drainage way 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 drainage way. 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.

G. 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 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 (I) 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.

#### H. Topping, Thinning, Creation and Preservation of View Corridors and Pruning of Trees.

1. Topping of trees without a permit is prohibited in the city. Trees severely damaged by storms or other uncontrollable causes, trees under utility wires or other obstructions making normal pruning practices impractical, and trees that have been continually topped and trimmed over time to be maintained as a visual screen or to perform a similar function may be exempted from this restriction. Such an exemption will be granted by a designated representative of the city, only after formal application for the proper tree removal permit (Type A or B) has been made.

2. Trees shall not be limbed in any manner that removes more than thirty (30) percent of the existing limbs. This requirement is intended to allow for normal tree pruning, but eliminate the consecutive limbing of trees from top to bottom.

3. Tree farms and fruit or nut orchards shall be excluded from the provisions of Section 6.09, except where the removal of trees would create an increase in erosion, in which case a Type A or Type B permit shall be required.

4. Trees may be removed for the creation or preservation of view corridors in the city. Applications to remove trees for the creation or preservation of view corridors shall be made upon forms prescribed by the city. Application type shall be dependent upon whether the applicant meets Type A or Type B permit criteria, as stated in subsections (D) and (E) of this section.

#### I. Violation and Penalties.

1. If a tree is removed without a tree removal permit, a violation may be determined by measuring the stump. A stump that is five inches or more in diameter at 4.5 feet above ground level, or as close to 4.5 feet above ground level as can be determined from remaining evidence, shall constitute prima facie evidence of a violation of this chapter.

2. Failure to follow any requirements or conditions of an approved tree cutting permit shall constitute a violation of this section.

3. Removal of the stump of a tree cut without a tree removal permit prior to the determination provided for in subsection(I)(1) of this section is a separate, additional violation of this section.

4. Each day's violation of any provision of this section constitutes a separate offense. Each individual tree removed in violation of the requirements of this section shall be a separate offense hereunder. Failure to comply with a condition of approval shall be a separate infraction each day the failure to comply continues. Each offense or infraction is subject to a civil penalty as prescribed in Section 16.48.070 of this title.

5. A person who removes a tree subject to this section without first obtaining a valid tree removal permit may obtain a retroactive permit by demonstrating that the removal complied with the applicable criteria for obtaining a tree removal permit. No person may obtain more than one

retroactive permit. In addition, the applicant may be subject to additional mitigation requirements as determined by the city.

6. Upon request of the city manager or at the direction of the city council, the city attorney may institute appropriate legal action to enjoin the removal of trees in violation of this section, or to otherwise enforce the provisions of this section.

7. The city shall have authority to issue a stop-work order, withhold approval of a final plat and/or withhold issuance of a certificate of occupancy, permit or inspection until the provisions of this section have been fully complied with.

8. A builder, developer or tree service holding a city business license who is convicted of violating any provision of this section shall constitute grounds for revocation of the license, at the discretion of the city council.

9. Any arborist, landscaper, contractor or tree service that has performed any tree removal in violation of this section or submitted a falsified report in connection with any tree removal or application for any tree removal covered by this section, shall not be considered a responsible bidder for any city contracts for a period of five years from the date of violation and/or penalty, whichever is later. The city council may, at its discretion, waive this provision upon a showing of good cause.

10. Removal of a tree in violation of this section is declared to be a public nuisance, and may be abated by appropriate proceedings pursuant to city Charter Section 21.

11. The owner of the property upon which tree removal takes place is subject to enforcement and penalties pursuant to this section regardless of whether such owner personally conducts activities in violation of this section. (Ord. 303 Att. A (part), 2005; Ord. 201 § 6.092, 2000; Ord. 161 §§ 6.09—6.099, 1997; Ord. 97 §§ 6.09—6.099, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.100 Landscaping, street trees and buffering.**

A. Purpose. The purpose of this section is to establish standards for landscaping, buffering and screening of land uses within Happy Valley in order to enhance the aesthetic environmental quality of the city:

1. By protecting existing street trees and requiring the planting of street trees in new developments;
2. Through the use of plant materials as a unifying element;
3. By using planting materials to define spaces and articulate the uses of specific areas; and
4. By using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy by the provision of buffering and screening.

B. Procedure Submittal Requirements. The provisions of this section shall apply to all development including the construction of public infrastructure, new structures, the remodeling of existing structures and a change of use which increases the on-site parking or loading requirements or which changes the access requirements. The applicant shall submit a preliminary landscape design plan which includes:

1. Location of underground irrigation system sprinkler heads where required by the city. Any development, redevelopment, or street improvement or installation project that results in the requirement of more than one standard residential meter ( $1\frac{1}{2}$  inch, rated at twenty (20) gallons per minute) to be dedicated to the irrigation of publicly accessible green space and/or planter strips, shall be required to install irrigation systems that utilize evapotranspiration (ET) based controllers, if the green spaces are to be irrigated at any time during peak demand season. Subdivisions, planned unit developments (PUD's) and road projects requiring more than two standard residential meters ( $1\frac{1}{2}$  inch, rated at twenty (20) gpm) to be dedicated to the irrigation of publicly accessible green space and/or planter strips, shall utilize central control systems with active connection to weather stations and flow monitoring sensors. The developer or project owner will be required to pay the cost for initial set-up and programming with the contractor selected by Sunrise Water Authority to manage the irrigation control system. Sunrise Water Authority will retain responsibility for engaging the contractor to operate any and all irrigation management systems installed under this program. Annual operational costs for the management of the system shall be collected from the homeowners within the subdivision or planned unit development as a surcharge on their water bill. Industry standard charges for operation and management of ET based irrigation control systems are based upon the number of valves in the irrigation system. This charge shall be equitably distributed amongst all home sites within the subdivision or PUD or, in the case of road projects, borne by the project owner, such as the County, City or State;
2. Location and height of fences, buffers and screening;
3. Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common

open areas;

4. Location, type, size and species of existing and proposed plant materials; and

5. A narrative which addresses:

a. Soil conditions, and

b. Erosion control measures that will be used;

6. Proposed location(s) and design of trash receptacles; mailboxes; newspaper boxes; and entry features or signs;

7. Any trees over six inches in diameter at four feet height proposed to be removed;

8. The approval standards shall be the applicable standards contained in this section.

### C. General Provisions.

1. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy neat and orderly appearance and shall be kept free from refuse and debris.

2. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard because of reduced visibility.

3. The installation of all landscaping shall be as follows:

a. All landscaping shall be installed according to accepted planting procedures;

b. The plant material shall be of high grade;

c. Landscaping shall be installed in accordance with the provisions of this chapter.

4. Final public infrastructure inspection and authorization to submit building permits shall not occur unless the landscaping requirements have been met or, if not installed due to weather or other constraints not within the control of the developer, landscaping with-in common elements, open space tracts, collector and arterial streets (street trees and planter strips), etc., shall be guaranteed by the submittal of a liquid financial guarantee (traditional guarantee bonds are not accepted) acceptable to the community development director to be retained until final installation and inspection. Said guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the landscaping installation estimate provided by a professional landscape contractor. The building official or designee shall be responsible for the inspection of street trees and planter strips for individual building lots, all other landscaping inspection responsibilities shall be the responsibility of the community development director or designee.

5. Existing plant materials on a site shall be protected as much as possible:

a. The developer shall provide methods for the protection of existing plant material to remain during the construction process;

b. The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees).

6. Appropriate methods for the care and maintenance of street trees and landscaping materials shall

be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.

#### D. Topsoil and Cover Planting.

1. 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.

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

E. Screen Landscape. Existing trees and other natural vegetation adjacent to a public park, or separating residential from nonresidential districts shall be preserved for a width of ten (10) feet. If such trees and other vegetation are insufficient to provide a screen, screening shall be provided at the boundary separating residential from nonresidential districts. This screen fencing shall be in the form of an ornamental fence or wall, sight obscuring planting five feet minimum in height or a landscaped raised berm to supplement any screening due to a natural slope and vegetation.

F. Street Trees and Planter Strips. All partitions, subdivisions, planned unit developments (PUDs) and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public or private roadways or access drives within the project area, in accordance with the following standards.

1. All street trees and planter strips shall be installed by the developer per the definition of a "planter strip" found within Section 16.04.080 (Definitions) and shall be planted by the developer within two years of final plat recording or approval of construction plans for individual uses within any district. Private streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement. The ultimate responsibility for installing street trees in accordance with the requirements contained in this section shall be that of the developer. Street tree and planter strip installation and maintenance bonds shall be provided by the developer in the amount necessary to cover all material, planting, maintenance and administration costs associated with the installation and maintenance of street trees and planter strips. The trees and planter strips shall be planted and maintained in a manner consistent with the city's land development ordinance.

2. Planting/Removal. Any person desiring for any purpose to plant, remove, destroy, top or treat any tree in or upon any street right-of-way, shall first submit a tree cutting/planting application to the city describing the purpose and scope of work. All work done under such permit must be performed in strict accordance with the terms and provisions of this chapter. The city manager shall base approval of such permit on the health, safety and welfare of both the affected tree(s) and community residents. If any permit required by this section is denied, the applicant may appeal in writing to the city council within ten (10) days of denial. The council shall proceed and determine the appeal, calling upon the city manager to defend his or her decision.

3. Modified Existing Streets. All proposed changes to existing public street right-of-way widths or any proposed existing street improvement shall, where feasible, include allowances for parking and median strips in accordance with the city's public facilities plan and its new street system - final

development standards.

#### 4. Clearance Design:

- a. Curb and sidewalk. Parking strip street trees shall be planted midway between curb and sidewalk in parking strips.
- b. Center medians. Center median street trees shall be laterally centered in the medians and an offset placement pattern relative to parking strip street trees is required.
- c. Utilities. All digging, including tree planting, must be preceded by underground location of utilities, water lines, sewer lines and transmission lines conducted by the planter.
- d. Corners, driveways, fire hydrants and street lights. No street trees shall be planted closer than thirty-five (35) feet from any street corner, measured back from the point of intersecting curbs or curb lines. No street tree shall be planted closer than five feet to any drive-way, (10) feet to any fire hydrant, or fifteen (15) feet to any street light measured from its base. Vision clearance shall be provided as described and shown in the LDO diagram entitled Visual Clearance Zones, figure VCLZ-I.
- e. Street tree spacing. Street trees in parking strips shall be placed at a maximum of thirty (30) feet on-center and located in accordance with the requirements contained in this chapter. Street trees in center medians shall be placed at a maximum of fifteen (15) feet on center. Trees planted in the center medians shall be staggered with the trees planted in the parking strips. Special plantings shall be allowed with prior approval by the city manager.
- f. Visual clearance. In order to keep visual zones clear and to protect traffic, pedestrians and bicyclists from running into low limbs, trees within or overhanging the public right-of-way and/or visual clearance zone must be trimmed to at least seven feet above the sidewalk area, eleven (11) feet above streets or alleys, and fourteen (14) feet above neighborhood collector level two and higher level roads. See Happy Valley public facilities plan-new street standards, figures SSTD-1 through SSTD-6.
- g. Median trees. Center median street trees shall be planted and maintained in a manner that eliminates conflict between vehicle traffic and trees. Pruning of median street trees shall reflect a limb standard sufficient to ensure a fourteen (14) foot clearance above streets. See Happy Valley public facilities plan-new street standards, figures SSTD-1 through SSTD-6.

5. Consistency. In order to foster distinct and harmonious neighborhoods and encourage smooth transition between different sections of the city, consistency in street tree species shall be encouraged. However, this does not equate to the implementation of a street tree plan that is homogenous in species type for local residential streets. Staff shall review and approve street tree choice based on, but not limited to, the following criteria:

- a. Type and spacing of street trees in adjacent developments/neighborhoods;
- b. Maintenance of the same species type for the entire length of all collector level streets, including center median ground cover and trees. All new street trees placed on collector level streets must be the identical specie of those street trees already existing on that same street;
- c. Assist in the establishment of distinct neighborhoods with the use of street tree type.

#### 6. Installation standards:

- a. Street tree list. The species of street trees to be planted shall be chosen from the approved list of street trees per this Section. Planter strip ground cover shall be chosen from the approved list of ground cover per Section 16.16.410 (Native plant list). Copies of the street tree list and ground cover planting/ground cover methods list can be obtained from the city.

b. Method of planting. Planting methods for all public trees shall adhere to the National Arborist Association Revised Standards (NAA) latest edition unless determined otherwise by the city.

c. Installation Standards:

Parking Strip Street Trees. Minimum: one and three-quarters to two inches in diameter at a point four feet above existing grade at time of planting;

Center Median Street Trees. Minimum: two to two and one-half inches in diameter at a point four feet above existing grade at time of planting.

d. Center median strips. Center median strips shall be landscaped with vegetative ground cover and/or covered with nonvegetative materials (i.e., interlocking paving stones). Automatic irrigation systems for all center median strips with street trees and/or vegetative ground cover shall be installed by the developer at the time the medians are constructed. Water lines shall be stubbed to center medians prior to the installation of the first street lift. Where possible, the water lines to the center medians shall be laid in series, continuing under the street where median breaks occur. Center median landscape and irrigation plans must be prepared by a landscape architect registered in the state of Oregon and shall be incorporated into the final landscape plan submitted to the city for approval.

e. Method of support. Street trees shall be guyed or supported in an upright position according to accepted arboricultural standards (NAA) and fastened in a manner such that injury to the tree is avoided and public safety is ensured.

f. Permission to plant. No person shall plant or set out any tree in a public place without first obtaining written permission from the city manager. The city manager shall consider the following criteria in determining whether permission should be granted: number of trees to be planted or set out; location, grade, and variety of each tree; method of planting; and any additional information the city manager may reasonably need to make a fair judgment as to permission to plant.

g. Replacement. The city may require the replacement of a new tree by the abutting land owner, at the land owner's expense, after permission has been granted to remove an existing street tree.

h. Protection. No person may attach any ropes, wires, chains, or other devices to any street tree, or to the guard or stake intended for the protection of such trees, other than a device that will support and/or protect such trees. During the erection, repair, alteration or removal of any structure all street trees shall be adequately guarded and protected to prevent injury to such trees.

7. Removal. No person shall remove trees from public places without first obtaining written permission from the city manager or designated staff. Refer to the city's tree cutting ordinance for guidelines regulating the removal of trees from private property.

8. Maintenance standards:

a. All street trees within planting strips and medians must be pruned and maintained to National Arborist Association (NAA) standards for shade trees. A copy of the NAA standards is available at the city offices.

b. Care and maintenance of street trees is the continuing duty and routine obligation of the property owner(s) abutting dedicated rights-of-way and utility easements that contain street trees. It is the duty of the owner(s) to keep the sidewalks which abut their property clean from branches, leaves, flowers, fruit or other organic material fallen on such sidewalks.

c. No person shall prevent, delay or interfere with the city or any agent acting on the city's behalf, while such agents are engaged in the planting, cultivating, mulching, pruning, spraying or removing



of any street trees, park trees or private trees as authorized by this chapter.

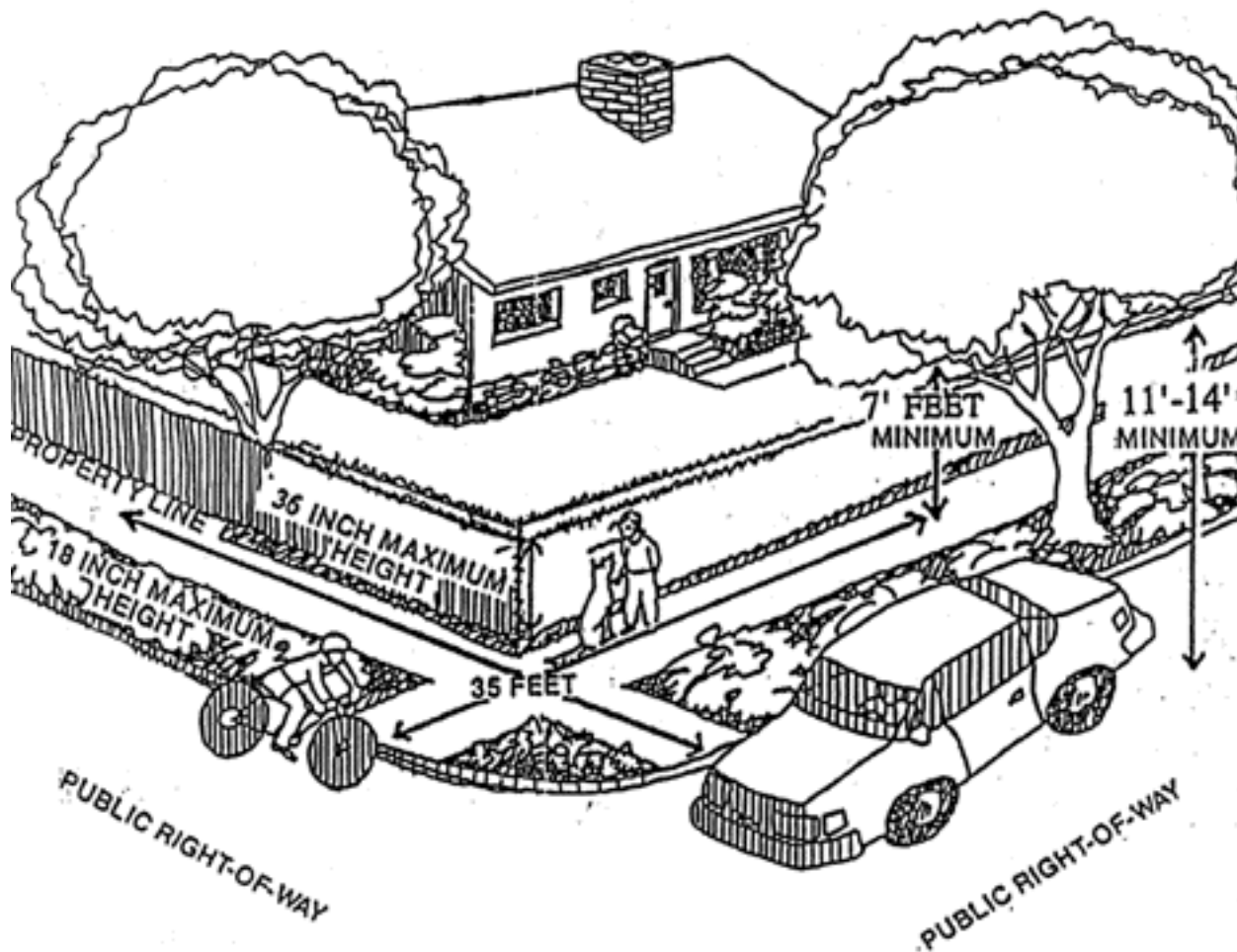
d. Trees on private grounds having limbs projecting into the street right-of-way shall be pruned by the owners of the property to satisfy the clearance requirements set forth in this chapter. Whenever the owner(s) of private grounds neglect to adequately prune such trees, they may be declared a nuisance. Upon declaring a tree a public nuisance, the city manager may order the pruning and/or treatment of such tree(s). All costs associated with the maintenance of nuisance trees as established in this chapter shall be borne by the owner of that property upon which such trees are located.

e. Whenever the owner(s) of private grounds neglect any street tree in the public right-of-way that fronts their property as provided in this chapter, such tree(s) may be declared a nuisance. Upon declaring a street tree a public nuisance, the city manager may order the treatment of such tree(s). All costs associated with the maintenance of nuisance street trees shall be borne by the owner of that property which such trees front.

f. A private utility maintaining its utility system may prune to NAA standards any tree located in the public right-of-way which interferes with any street light, pole, wire, cable, appliance or apparatus used in connection with, or as a part of, the utility system.

g. Topping of street trees and park trees is prohibited unless so ordered by the city manager. Topping is defined as the severe cutting back of limbs larger than three inches in diameter to stubs within the tree's crown to such a degree that the normal canopy is removed and the tree is disfigured. Trees severely damaged by storms or where permanent obstructions make standard pruning practices impractical, may be exempted from this ordinance at the discretion of the city manager. The person(s) responsible for violations of this provision shall be subject to fines and penalties as established in Section 16.48.010 of this title.

h. In new partitions, subdivisions and planned unit developments, and any individual uses within any district, the developer shall be responsible for the care, maintenance and irrigation costs of all trees and landscaping within the public right-of-ways for a two year period after the release of the installation bond. A final inspection to determine street tree health and long term survivability shall be conducted at the end of the two year maintenance period. The final street tree inspection shall be conducted by an arborist registered in the state of Oregon with all associated costs borne by the developer. The arborist's report shall be submitted to the city for approval prior to the city's final acceptance of public improvements.



### Visual Clear Zones at Intersections

Concerned about the safety of pedestrians, drivers and bicyclists, the City of Happy Valley has established visual and clear zones at all intersections to help people approaching an intersection see each other clearly. The zone includes the area behind the property line (on private property) and the area on the street side of the property line (within the public right-of-way). For more information call 760-3325.

\* Height of street branches extending into street right-of-way varies with the official designation of the street. See public facilities plan-new street standards, figures SSTD-1 through SSTD-6.

### CITY OF HAPPY VALLEY STREET TREE LIST FOR 2 1/2 TO 3 FT. PLANTING STRIP

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Crimson Cloud Hawthorn*	<i>Crataegus laevigata</i>	Oval in habit- Glossy green foliage-bright red flowers and fruit.	25 ft.	18 ft.
Columnar Goldenrain*	<i>Koelreuteria paniculata</i>	Narrow fastigate in habit, green foliage, yellow flower, yellow fall color, yellow pods.	30 ft.	6 ft.
Centurion Crab*	<i>Malus</i> 'Centurion'	Upright in habit, purple to bronze foliage, rose red flowers, bright red fruit.	20 ft.	15 ft.
Professor Sprenger Crab*	<i>Malus</i> 'Professor Sprenger'	Upright in habit, green foliage, white flowers, orange red fruit.	20 ft.	20 ft.
Robinson Crab*	<i>Malus</i> 'Robinson'	Upright in habit, red to bronze green foliage, deep pink flowers, dark red fruit.	25 ft.	25 ft.
Tschonoski Crab*	<i>Malus</i> 'tschonoskil'	Upright in habit, silvery green foliage, white flowers, orange red purple fall color, green fruit (sparse).	20 ft.	20 ft.
Blireiana Plum*	<i>Prunus blireiana</i>	Round in habit, purple green foliage, bright pink flower, reddish bronze fall color.	20 ft.	20 ft.
Japanese Tree Lilac*	<i>Syringa reticulata</i>	Pyramidal in habit, green foliage, white panicle flower, yellow brown fruit.	25 ft.	15 ft.

Red Jewel Crab*	Malus 'Red Jewel'	Upright pyramidal in habit-green foliage, white flower, red persistent fruit.	15 ft.	12 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Leprechaun Ash*	Fraxinus pennsylvanica 'Johnson'	Compact, dense round in habit, medium green foliage, yellow fall color.	18 ft.	16 ft.
Golden Desert Ash*	Fraxinus excelsior 'Aurefolia'	Compact, round in habit, yellow foliage, golden yellow in fall, golden twigs and young stems.	20 ft.	18 ft.
Flowering Quince*	Cydonia oblonga	Broadly spreading, pear shaped fruit, in spring pale pink or white flowers sometimes orange-red, and green foliage.	20 ft.	15 ft.
Strawberry Tree*	Arbutus unedo	Broadly spreading, evergreen green foliage, white flowers and rough red strawberry like fruit.	30 ft.	25 ft.

\* Trees that may be planted under power lines.

### CITY OF HAPPY VALLEY STREET TREE LIST FOR 3 to 3 1/2 FT. PLANTING STRIP

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread

Trident Maple*	Acer buergeranum	Oval to round in habit, dark green foliage, yellow orange fall color.	25 ft.	20 ft.
Amur Maple*	Acer ginnala	Upright round in habit, green foliage, yellow fall color.	20 ft.	20 ft.
Rocky Mountain Glow Maple*	Acer grandidentatum 'Scmidt'	Oval in habit, dark green foliage, fragrant white clusters of flowers, blue green fruit.	25 ft.	15 ft.
Paperbark Maple*	Acer griseum	Round in habit, green with silver under foliage, yellow fall color.	30 ft.	20 ft.
Blood Good Japanese Maple*	Acer palmatum 'Blood Good'	Upright and round in habit, bronze-purple foliage, orange red in fall color	18 ft.	18 ft.
Butterfly Japanese Maple*	Acer palmatum 'Butterfly'	Stiffly upright in habit, variegated cream white and light green foliage, magenta fall color.	18 ft.	14 ft.
Sango Kaku Japanese Maple*	Acer palmatum 'Sango Kaku'	Upright in habit, bright medium green foliage, gold fall color.	12 ft.	6 ft.
Crimson Sentry Norway Maple*	Acer planatoides 'Crimson Sentry'	Very upright and dense in habit, red foliage, maroon to reddish bronze fall color.	25 ft.	12 ft.

Globe Serviceberry*	<i>Amelanchier canadensis oblongifolia</i>	Very upright in habit, dark green foliage, white racemes, flowers, brilliant red and orange fall color. Maroon and purple fruit (heavy).	30 ft.	12 ft.
Allegheny Serviceberry*	<i>Amelanchier laevis</i>	Upright oval in habit, green foliage, white cluster flowers, orange fall color, purple blue fruit.	25 ft.	15 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Glorybower Tree*	<i>Clerodendrum trichotomum</i>	Round in habit, dark green foliage, yellow fall color.	20 ft.	20 ft.
Flowering Ash*	<i>Fraxinus ornus</i>	Pyramidal to round in habit, med. green foliage, yellow racemes flower, yellow fall color.	30 ft.	15 ft.
Goldenchain*	<i>Laburnum watereri 'vossii'</i>	Upright to vase in habit, green foliage, yellow racemes flower, yellow fall color.	30 ft.	20 ft.
Columnar Siberian Crab*	<i>Malus baccata 'Columnaris'</i>	Upright in habit, green foliage, white flower, yellow red fruit.	30 ft.	10 ft.
Newport Plum*	<i>Prunus cerasifera 'Newport'</i>	Oval to round in habit, dark purple foliage, light pink flower, reddish fall color.	20 ft.	20 ft.
Irish Yew*	<i>Tarus baccata v. lavigata 'Irish'</i>	Narrow columnar evergreen.	25 ft.	12 ft.

Lavalle Hawthorne*	<i>Crataegus x lavallei</i>	Irregular vase shape, dark green foliage, bronze in fall, large white clustered flowers, orange fruit.	30 ft.	20 ft.
Leprechaun Ash*	<i>Fraxinus pennsylvanica</i> 'Johnson'	Compact, dense, round in habit, medium green foliage and yellow fall color.	18 ft.	16 ft.
Golden Desert Ash*	<i>Fraxinus excelsior</i> 'Aureafolia'	Compact round in habit, yellow foliage, golden yellow in fall, golden twigs and young stems.	20 ft.	18 ft.
Prairifire Crabapple*	<i>Malus</i> 'Prairifire'	Upright round and spreading in habit, purple becoming reddish green foliage, bright pink flowers and dark red fruit.	20 ft.	20 ft.

\* Trees that may be planted under power lines.

#### CITY OF HAPPY VALLEY STREET TREE LIST FOR 4 to 5 1/2 FT. PLANTING STRIP

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Queen Elizabeth Maple*	<i>Acer campestre</i> 'Evelyn'	Upright in habit, dark green foliage, yellow fall color.	35 ft.	30 ft.
Hedge Maple*	<i>Acer campestre</i>	Round in habit, dark green foliage, yellow fall color.	25 ft.	25 ft.
Paperbark Maple*	<i>Acer griseum</i>	Round in habit, green with silver underfoliage, bright red orange fall color.	30 ft.	20 ft.

Cleveland Norway Maple	Acer platanoides 'Cleveland'	Upright in habit, medium green foliage, bright yellow fall color.	40 ft.	25 ft.
Columnar Norway Maple-Compact*	Acer platanoides 'Columnar'-Comapact Form	Narrow upright in habit, dark green foliage, yellow fall color.	35 ft.	15 ft.
Parkway Norway Maple	Acer platanoides 'Columnarbroad'	Oval in habit, dark green foliage, yellow fall color.	40 ft.	25 ft.
Variegated Norway Maple*	Acer platanoides 'Drummondii'	Broadly oval in habit, light green with white margin foliage.	35 ft.	25 ft.
Pacific Sunset Maple*	Acer truncatum x A. platanoides 'Warrenred'	Upright in habit, dark green foliage, yellow to orange red color.	30 ft.	25 ft.
Pyramidal European Hornbeam*	Carpinus betulus 'Fastigata'	Broadly oval, dark green foliage, yellow fall color.	35 ft.	20 ft.
Glorybower Tree*	Clerodendrum trichotomum	Round in habit, dark green foliage, white clusters of fragrant flowers, blue green fruit.	20 ft.	20 ft.
Chinese Dogwood*	Cornus kousa chinesis	Round in habit, green foliage, white flowers, yellow fall color.	30 ft.	30 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Lavalle Hawthorn*	Crataegus x lavallei	More erect and less twiggy growth than other hawthorns.	30 ft.	20 ft.



Flowering Ash*	Fraxinus ornus	Pyramidal to round in habit, medium green foliage, off white fragrant flowers, yellow fall color.	30 ft.	15 ft.
Saratoga Ginkgo*	Ginkgo biloba 'Saratoga'	Extremely free of pests. Very tolerant of pollution and salt. Little maintenance, slow growing and long lived.	30 ft.	30 ft.
September Goldenrain*	Koelreuteria paniculata 'September'	Flat topped and open in habit, green foliage, yellow flowers, yellow fall color.	30 ft.	25 ft.
Kobus Magnolia	Magnolia kobus	Round in habit, dark green foliage year round, white flowers.	40 ft.	30 ft.
Robinson Crab*	Malus 'Robinson'	Upright in habit, red to bronze foliage, deep pink flowers, dark red fruit.	25 ft.	25 ft.
Tschonoski Crab*	Malus tscchonoskii	Upright in habit, silvery green foliage, white flowers, orange red purple fall color, sparse green fruit.	28 ft.	14 ft.
American Hophornbeam*	Ostrya virginiana	Oval in habit, medium green foliage, yellow fall color.	35 ft.	25 ft.
Newport Plum*	Prunus cerasifera 'Newport'	Oval to round in habit, dark purple, light pink flowers and red fruit.	20 ft.	20 ft.

Columnar Sargent Cherry*	Prunus sargentii 'Columnaris'	Fastigate in habit, green foliage, deep pink flowers, orange red fall color.	30 ft.	10 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Capital Pear*	Pyrus calleryana 'Capital'	Columnar in habit, medium green foliage, white clusters, flowers, orange red fall color.	35 ft.	12 ft.
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'	Upright, pyramidal in habit, glossy green foliage, white flowers, purplish red fall color.	30 ft.	18-20 ft.
Forest Green Oak	Quercus frainetto	Upright with strong central leader glossy deep green foliage. Good street tree with no powerlines.	50 ft.	30 ft.
Chancellor Linden*	Tilia cordata 'Chancole'	Pyramidal in habit, dark green foliage, yellow in fall.	35 ft.	20 ft.

\* Trees that may be planted under power lines.

#### CITY OF HAPPY VALLEY STREET TREE LIST FOR 6 to 8 FT. PLANTING STRIP

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Crimson King Norway Maple	Acer platanoides 'Crimson King'	Vigorous maple, pollution tolerant, sun scald and leaf scorch can be a problem. Plant in shade.	40 ft.	35 ft.

Emerald Queen Norway Maple	Acer platanoides 'Emerald Queen'	Fast growth, pollution tolerant, susceptible to sun scald, needs protection from heavy sun.	50 ft.	40 ft.
Globe Norway Maple*	Acer platanoides 'Globosum'	Round in habit, medium green foliage, yellow fall color.	15 ft.	18 ft.
Superform Maple	Acer platanoides 'Superform'	Round in habit, medium green foliage, yellow fall color.	45 ft.	40 ft.
Sycamore Maple	Acer pseudoplatanus	Wide spreading structure, green foliage, yellow fall color.	60 ft.	50 ft.
Embers Red Maple	Acer rubrum 'Embers'	Open in habit, green foliage, bright red fall color.	40 ft.	35 ft.
October Glory Maple	Acer rubrum 'October Glory'	Broad Oval in habit, medium green foliage, red to purple fall color.	40 ft.	35 ft.
European Hornbeam	Carpinus betulus	Oval to round in habit, dark green foliage, yellow fall color.	50 ft.	35 ft.
Hackberry	Celtis occidentalis	Prefers rich moist soil, tolerates alkaline soils, fairly rapid growth, susceptible to nipple-gall and witches broom.	45 ft.	35 ft.
Katsura Tree	Cercidiphyllum japonicum	Oval in habit, blue green foliage, yellow to scarlet fall color.	40 ft.	35 ft.

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Yellowwood	<i>Cladrastis lutea</i>	Round in habit, yellow to bright green foliage, orange to yellow fall color, white fragrant flowers.	40 ft.	35 ft.
Armstrong II Red Maple	<i>Acer rubrum</i> 'Armstrong'	Narrow tall with ascending branches, light green foliage, yellow to orange red in fall.	45 ft.	15 ft.
Washington Hawthorne*	<i>Crataegus phaenopyrum</i>	Broad oval shape, deep green glossy foliage, white clustered flowers, orange scarlet and reddish purple in fall, bright red fruit.	25 ft.	20 ft.
Zumi Crabapple*	<i>Malus x zumi</i> 'Calocarpa'	Rounded spreading in habit, green foliage, white flowers and red persistent fruit.	20 ft.	24 ft.
Thundercloud Plum*	<i>Prunus cerasifera</i> 'Thundercloud'	Upright dense spreading shape, dark purple foliage all season, light pink flower.	20 ft.	20 ft.
Krauter Vesuvius Plum*	<i>Prunus cerasifera</i> 'Krauter Vesuvius'	Upright in habit, dark purple foliage all season, light pink flower.	20 ft.	15 ft.
Chanticleer Pear	<i>Pyrus callervana</i> 'Glens Form'	Pyramidal in habit, glossy green foliage, orange red fall color, white clustered flowers.	40 ft.	15 ft.
Bristlecone Pine	<i>Pinus aristata</i>	Pyramidal in shape.	30 ft.	20 ft.

Spruce	<i>Picea pungens</i>	Pyramidal in shape.	40 ft.	20 ft.
Skyline Ash	<i>Fagus americana</i> 'Skycole'	Oval in habit, medium green foliage, orange red fall color.	45 ft.	35 ft.
Tricolor Beech	<i>Fagus sylvatica</i> 'Roseo- marginata'	Broad oval in habit, purple with bright pink bordered foliage.	40 ft.	35 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Marshall's Seedless Ash	<i>Fraxinus pennsylvanica</i> 'Marshall's Seedless'	Broadly oval in habit, dark green foliage, yellow fall color.	50 ft.	40 ft.
Urbanite Ash	<i>Fraxinus pennsylvanica</i> 'Urbanite'	Broadly pyramidal in habit, lustrous green foliage, bronze fall color.	50 ft.	40 ft.
Saratoga Ginkgo*	<i>Ginkgo biloba</i> 'Saratoga'	Very pest resistant, tolerant slow growing long lived tree.	30 ft.	30 ft.
Shademaster Honeylocust	<i>Gleditsia triacanthos</i> 'Shademaster'	Vase shaped, dark green foliage, yellow fall color.	45 ft.	35 ft.
Black Tupelo*	<i>Nyssa sylvatica</i>	Pyramidal when young, spreading and irregular with age, dark green glossy foliage, bright copper red fall color.	30 ft.	20 ft.
Sourwood	<i>Oxydendrum arboreum</i>	Pyramidal in habit, green foliage, brilliant red fall color.	50 ft.	25 ft.
Royal Burgandy Cherry	<i>Prunus serrulata</i>	Vase shaped, purple red foliage, red and orange fall color.	30 ft.	20 ft.

Scarlet Oak	<i>Quercus coccinea</i>	Grows in dry sandy soil, prefers acidic soils.	50 ft.	40 ft.
Skymaster Oak	<i>Quercus robur</i> 'Pyramich'	Broad oval in habit, dark green foliage, yellow fall color.	50 ft.	25 ft.
Glenleven Linden	<i>Tilia cordata</i> 'Glenleven'	Pyramidal in habit, medium green foliage, yellow in fall.	45 ft.	30 ft.
Village Green Zelkova	<i>Zelkova serrata</i> 'Village Green'	Vase shaped, rounded in habit, deep green foliage, rusty red fall color.	40 ft.	38 ft.
Green Vase Zelkova	<i>Zelkova serrata</i> 'Gren Vase'	Vase shaped with upright arching branches in habit, green foliage, orange fall color.	50 ft.	40 ft.
Edith Bogue Magnolia*	<i>Magnolia grandiflora</i> 'Edith Bogue'	Pyramidal, tight in habit, dark green glossy foliage, evergreen, large creamy white flowers.	30 ft.	15 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Autumn Purple White Ash	<i>Fraxinus americana</i> 'Junginger'	Broadly oval in habit, green foliage, reddish purple in fall, seedless.	55 ft.	45 ft.
Raywood Ash*	<i>Fraxinus oxycarpa</i> 'Raywood'	Oval, dense shape, narrow green finely textured foliage, reddish purple color in fall.	35 ft.	25 ft.
Magnolia*	<i>Magnolia x soulangiana</i>	Upright spreading in habit, green foliage, yellow brown color in fall, rose red flower.	20 ft.	20 ft.

Sargent Cherry*	<i>Prunus sargentii</i>	Upright spreading branches round in habit, dark green foliage, bronze orange to orange red in fall, pink flowers in clusters.	30 ft.	30 ft.
Kwanzan Cherry*	<i>Prunus serrulata</i> 'Kwanzan'	Vase shaped, dark green foliage, bronze to orange fall color, double pink flowers in clusters.	30 ft.	20 ft.
Greenspire Linden	<i>Tilia cordata</i> 'Greenspire'	Symmetrical pyramidal in habit, dark green foliage, yellow in fall.	40 ft.	30 ft.
Shamrock Linden	<i>Tilia cordata</i> 'Baileyi'	Symmetrical pyramidal in habit, dark green foliage, yellow in fall.	40 ft.	30 ft.
Shore Pine	<i>Pinus contorta</i>	Evergreen needle bearer.	40 ft.	20 ft.
Scotch Pine	<i>Pinus sylvestris</i>	Evergreen needle bearer.	40 ft.	20 ft.
Eastern Red Cedar	<i>Juniperus virginiana</i>	Extremely columnar and fragrant evergreen with blue berries.	100 ft.	30 ft.
Western Juniper	<i>Juniperus occidentalis</i>	Broadly conical, does well in drier locations.	65 ft.	20 ft.

\* Trees that may be planted under power lines.

### CITY OF HAPPY VALLEY STREET TREE LIST FOR 8 1/2 ft. and Larger PLANTING STRIP

Common Name	Latin Name	Remarks	Mature Height	Canopy Spread

Schwedler Norway Maple	Acer platanoides 'Schwedleri'	Round in habit, green foliage, yellow fall color.	50 ft.	45 ft.
Sycamore Maple	Acer pseudoplatanus	Wide spreading structure, green foliage, yellow fall color.	60 ft.	50 ft.
Wineleaf Sycamore Maple	Acer pseudoplatanus 'Spaithi'	Pyramidal in habit, dark green foliage.	40 ft.	30 ft.
Red Maple	Acer rubrum	Oval in habit, medium green foliage, orange red fall color.	60 ft.	45 ft.
Red Horsechestnut	Aesculus x carnea 'Briotii'	Round in habit, dark green foliage, yellow fall colors and red flowers.	60 ft.	40 ft.
Catalpa	Catalpa Speciosa	Round in habit, green foliage, yellow fall colors, white flowers.	75 ft.	50 ft.
Katsura Tree	Cercidiphyllum japonicum	Oval in habit, blue green foliage, yellow to scarlet fall color.	40 ft.	35 ft.
Red Bud*	Cercis canadensis	Open spreading, medium green foliage, yellow fall color, pink flowers.	20 ft.	25 ft.
Yellowwood	Cladrastis lutea	Round in habit, yellow to bright green foliage, orange to yellow fall color, white fragrant flowers.	40 ft.	35 ft.
Purple Rivers Beech	Fagus sylvatica 'Riversi'	Oval in habit, deep purple foliage, bronze fall color.	60 ft.	40 ft.



Tricolor Beech	<i>Fagus sylvatica</i> 'Roseo-marginata'	Broad oval in habit, purple with bright pink border foliage.	40 ft.	30 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Raywood Ash	<i>Fraxinus oxycarpa</i> 'Raywood'	Oval with dense crown, narrow green leaflets, fine textured foliage, reddish purple fall color.	35 ft.	25 ft.
Urbanite Ash	<i>Fraxinus pennsylvanica</i> 'Urbanite'	Broadly pyramidal in habit, lustrous green foliage, bronze fall color.	50 ft.	40 ft.
Summit Ash	<i>Fraxinus pennsylvanica lanceolata</i>	Pyramidal in habit, medium green foliage, yellow fall color.	45 ft.	25 ft.
Saratoga Ginkgo*	<i>Ginkgo biloba</i> 'Saratoga'	Pest resistant, tolerant tree. Slow growing and long lived.	30 ft.	30 ft.
Halka Honeylocust	<i>Gleditsia tricanthos</i> 'Christie'	Upright in habit, green foliage, yellow fall color.	55 ft.	40 ft.
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>	Open in habit, green foliage.	70 ft.	40 ft.
Moraine Sweetgum	<i>Liquid styraciflua</i> 'Moraine'	Oval in habit, dark green foliage, red purple fall colors.	60 ft.	30 ft.
Tulip Tree	<i>Liriodendron tulipifera</i>	Oval in habit, medium green foliage, bright clear yellow fall color, yellow to greenish yellow with orange center flower.	60 ft.	30 ft.

Sourwood	Oxydendrum arboreum	Pyramidal in habit, green foliage, brilliant red fall color, white flowers.	50 ft.	25 ft.
Empress Tree	Pavlnia tomentosa	Rounded shape, huge light green foliage, upright clusters of flowers, 6-12 inches lilac blue.	40 ft.	40 ft.
Yoshino Cherry	Prunus x yedoensis	Spreading in habit, green foliage, yellow fall color, pink or white fall color.	30 ft.	30 ft.
Red Oak	Quercus borealis rubra	Round in habit, green foliage, red fall color.	65 ft.	50 ft.
Common Name	Latin Name	Remarks	Mature Height	Canopy Spread
Scarlet Oak	Quercus coccinea	Grows in dry sandy soils, less tolerant, prefers acidic soils.	50 ft.	40 ft.
Halka Zelkova	Zelkova serrata 'Halka'	Vase shaped, medium green foliage, yellow fall color.	45 ft.	50 ft.
Green Mountain Sugar Maple	Acer saccharum 'Green Mountain'	Broadly oval in habit, dark green foliage, reddish orange to red color in fall.	45 ft.	35 ft.
Palo Alto Sweetgum	Liquidambar styraciflua 'Palo Alto'	Broadly pyramidal to oval in habit, green foliage, orange to red in fall.	55 ft.	30 ft.
Kwanzan Cherry*	Prunus serrulata 'Kwanzan'	Vase shaped in habit, dark green foliage, bronze and orange fall color, pink flowers.	30 ft.	20 ft.

Green Vase Zelkova	Kelkova serrata 'Green Vase'	Vase shaped and upright arching branches, green foliage, orange color in fall.	50 ft.	40 ft.
Ponderosa Pine	Pinus ponderosa	Broadly conical in shape.	150 ft.	50 ft.
Austrian Pine	Pinus nigra	Broadly columnar in shape.	100 ft.	40 ft.
Norway Spruce	Picea abies	Narrowly conical in shape.	150 ft.	50 ft.

\* Trees that may be planted under power lines.

G. Buffering. Any use which is required to provide off-street parking for five or more vehicles shall provide buffering of the parking areas on all sides which face directly upon and are within one hundred (100) feet of any property line of the subject site. Buffering shall include, in addition to required street trees for the project as a whole, fencing or plantings at the immediate perimeter of the parking area which shall be of sufficient height and density, year around, to obscure sight lines to the parked vehicles and negate the impacts of headlights.

H. Clustering of Mailboxes and Newspaper Boxes. Where feasible, mailboxes and newspaper boxes will be clustered together. (Ord. 318 Att. A (part), 2005; Ord. 303 Att. A (part), 2005; Ord. 127 § 6.106, 1994; Reso. 94-17 (Tree List), 1994; Ord. 97 §§ 6.10—6.110, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.110 Fencing and screening.**

A. Purpose. While fencing or screening is not uniformly mandatory for all residential development, some circumstances suggest and dictate that fencing or screening shall be erected, installed or planted along the property lines or at some other locations on the property.

B. Criteria. When reviewing all proposals for subdivision of land or planned unit development, the planning commission shall determine the need and desirability of fencing or screening within the development site area. In its consideration, the planning commission or appropriate and designated body or agent shall use the following criteria:

1. The intended use for the area;
2. Surrounding uses;
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. Procedure. All fencing or screening shall be subject to the following standards and requirements:

1. In any residential district, a fence or wall not to exceed six feet in height may be located or maintained within the required interior yards. Fences or walls may be placed in front yards in any residential district provided they do not exceed three feet in height on corner lots and four feet in height on interior lots;
2. In any residential district, sight-obscuring hedges may be planted and maintained within the required interior yards provided that they do not exceed eight feet in height. Within required front yards in residential districts, hedges may be planted and maintained provided that they do not exceed three feet in height on corner lots and four feet in height on interior lots;
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 three 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. No artificial fencing or screening which is located along any property line may exceed a height of six feet from grade.

D. Pools. For the purpose of safety, any property which contains any size in-ground swimming pool or an above-ground swimming pool any part of which is less than forty-eight (48) inches in height above grade shall be fenced with an artificial fence of continuous construction of not less than four

feet in height. Additionally, the gate entrances to the pool area should be lockable. (Ord. 97 §§ 6.11--6.114, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.120 Lighting.**

##### A. Purpose.

1. This section has been formulated to allow for the provision of street lighting for reasons of safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley. It is the intent of this section that such lighting shall be provided by and through annexation of the city to Clackamas County Service District No. 5 or its successor.

2. The rules and regulations set forth in this section are jointly established by the city, Clackamas County Service District No. 5, or its successor, and Portland General Electric Co. (PGE) for all street lighting installation and service within the city.

B. Specialized Definitions. For the purpose of this section, the following words have the following meanings:

“Assessment” means the amount imposed as a charge for street lighting service.

“County” means Clackamas County, Oregon.

“District” means Clackamas County Service District No. 5 or its successor.

“Existing pole” means a pole installed for some other purpose than supporting street lighting facilities.

“Frontage” means the length of property abutting a street benefited by street lighting.

“Glare” means the effect of brightness or brightness difference within the visual field sufficiently high to cause annoyance, discomfort or loss in visual performance.

“Luminaire” means a complete lighting device consisting of a light source together with its direct appurtenances, such as globe, reflector, refractor, housing and such support as is integral with the housing. The pole, post or bracket is not considered a part of the luminaire.

“May” is permissive.

“Mounting height” means the vertical distance between the roadway surface and the center of the apparent light source of the luminaire.

“Owner” means the record owner of real property or holder of a duly recorded land sales contract.

“Public right-of-way” means any public highway, road, street, avenue, alleyway, public place, public easement, or public right-of-way.

“Shall” is mandatory.

“Street light only pole” means any pole installed for the exclusive purpose of supporting street lighting facilities.

“Uniformity of illumination” means the ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.

### C. Street Light Design Requirements.

1. Street lighting installations to be provided with light from dusk to dawn daily, activated by photo-electrical control.
2. Whenever any installation of street lighting is made, the city, in cooperation with the district and PGE, or its successor, shall approve the design for such lighting. Street lighting design shall conform to the following requirements:
  - a. Street lighting shall be provided only on public rights-of-way;
  - b. Illumination levels shall be guided by the recommendations of the most current edition of the "American National Standard--Standard Practice for Roadway Lighting";
  - c. The luminaire spacing may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the discretion of the city.

### D. Street Lighting Service.

1. New Development. For any subdivision of land or planned unit development, the landowner or developer, as a part of the minimum improvement standards, shall install street lighting on all public streets within the development. The recommended standards of this section and PGE shall be used for placement of light standards for uniformity of illumination.
2. Public Safety. Whenever the city determines that, in the interest of public safety, street lights should be installed anywhere in the city, the city manager, or public works director, or their designee, shall initiate the processes of both selection and installation of appropriate fixtures.
3. Installation and Maintenance. PGE shall install and maintain all materials and equipment. This includes lamp replacement on burnouts as soon as reasonably possible after notification.

### E. Special Lighting.

1. Special lighting different from these standards may be approved by the planning commission when used for lighting parks, picnic areas, entrance areas of a subdivision and other areas requiring special lighting. Such lighting shall not be a part of the lighting district and shall be separately metered and paid for by the homeowners' association or those residents benefiting from the special lighting.
2. Any lighting proposed by a landowner or developer for any open space whether public or private in a subdivision or planned unit development shall be reviewed by the city and either approved or denied as a part of Section 16.16.110. All lighting in open spaces should contribute to the safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley.

### F. Standards for Materials and Equipment for Street Lighting.

1. Residential and Neighborhood Streets (Identified Within the Happy Valley Transportation System Plan), excluding properties annexed to the city after August 1, 2003 and properties located in the Rock Creek Comprehensive Plan adopted June 2001.
  - a. Poles (New): Fiberglass poles meeting PGE specifications, thirty (30) foot overall length for twenty-five (25) foot mounting height. Color to be bronze. Special poles may be required for minor arterials at the discretion of the city;
  - b. Bracket: An eight-inch arm per PGE specifications;
  - c. Luminaire: Shoebox luminaire having a drop lens or flat lens, as required;

d. Lamp: High pressure sodium vapor. Wattage of lamps to vary with design requirements, street designation and location;

e. All other standards for materials and equipment other than those set forth above shall be those established by the district in cooperation with PGE.

2. For properties annexed to the city after August 1, 2003 and properties located in the Rock Creek Comprehensive Plan adopted June 2001 which provide roadways designated as neighborhood or residential streets:

a. Poles (New): Decorative Shepherd's Crook Pole aluminum poles meeting PGE specifications. Twenty-one (21) feet overall length with the light center at seventeen (17) feet, with eighteen (18) feet mounting height. Color to be black. Anchored on appropriate concrete base. Special poles may be required for minor arterials at the discretion of the city;

b. Luminaire: Techtra streetlight;

c. Lamp: Current most energy efficient and maintenance free PGE approved lamp. Wattage of lamps to vary with design requirements, street designation and location;

d. All other standards for materials and equipment other than those set forth above shall be those established by the district in cooperation with PGE.

3. Collector Streets, Minor Arterials, and Major Arterials. Lighting fixtures and equipment must be identified on the current Portland General Electric approved fixture list, and must be further approved by the city of Happy Valley city manager, public works director, or their designee.

#### G. Financing.

1. Method. The method of financing the installation, operation and maintenance of street lighting service facilities shall be by annual assessment against property benefited by street lighting. Property considered benefited by street lighting service is that property with access to a public right-of-way served with street lighting.

2. Means. Assessments shall be billed and collected with the property tax statement for Clackamas County and shall be identified on the statement as a special assessment for Clackamas County Service District No. 5.

3. Rate Schedule. Rate schedules shall be classified according to the primary type of electrical distribution. All areas of similar service shall be placed into one of the rate schedules that follow:

a. Rate Schedule A: Lots which are served by utility owned luminaries mounted on existing electrical distribution poles with overhead service. Some street light only poles may be used.

b. Rate Schedule B: Lots which are served by utility owned luminaries mounted on underground served street light only poles.

c. Rate Schedule C: Any other area not conforming to one of the above rate schedules and/or served by optional equipment.

d. Rate Schedule D: Adjustment of rate schedules for street or other public area lighting or lighting alterations having a citywide benefit.

4. Rate. Rates for each schedule shall be established on the basis of city and district cost for equipment, maintenance, energy and administration.

5. Benefit. All lots in each of rate schedules A, B and D are considered to be equally benefited without regard to frontage, lot size or luminaire size, spacing and location. All lots in rate schedule C are considered to be benefited according to the amount of frontage abutting the public right-of-way



served by street lighting, without regard to lot size or luminaire size, spacing and location.

6. Initial Assessments. Assessments for new installations shall begin on July 1st following the installation. The initial assessment rate shall include a prorated amount from any prior fractional year of service plus the current rate established for the tax year beginning July 1st.

7. Special Conditions. Owners requesting street light installation shall be assessed for costs associated with trenching, conduit, transformers, restoration and any other initial cost of installation not provided for by state schedule 91 for Portland General Electric Company. Installation costs shall be assessed by the same method as for street light services. Assessments exceeding one hundred dollars (\$100.00) may be eligible for Bancroft financing in accordance with ORS 451.530 or appropriate state statute.

#### H. Removal.

1. Request. Whenever any interested person requests removal of street lights, the request shall be in petition form and shall contain the signatures of more than fifty (50) percent of the owners of land to be affected by the street light removal. Petitions shall contain a description of the area as well as the reason for requesting such removal.

2. Removal. The city, before attempting to remove street lighting, shall:

a. Provide for notice to affected owners of the intention to remove street lighting and to assess affected property for all of the cost;

b. Provide the affected owners with an estimate of the cost of removal;

c. Provide for a hearing at which time affected owners may appear to object to the removal of street lighting.

3. Notice. Notice shall be by first class mail to the name and mailing address of each owner as listed by the tax assessor of Clackamas County.

4. Cost. If street lighting is removed at the request of the affected owners, a charge shall be made consisting of the installed cost, less accrued depreciation and less salvage value, and plus cost of removal.

5. Payment. Removal costs shall be assessed by the same method as for street light service. Assessments exceeding one hundred dollars (\$100.00) may be eligible for Bancroft financing in accordance with ORS 451.530 or appropriate state statute.

I. Appeals. Persons aggrieved under the provisions of this section shall have the right of appeal to the city council from the decision(s) of the planning commission or appropriate and designated body or agent. Requests for such an appeal shall be made within fifteen (15) days from the date of the decision of the commission or appropriate and designated body or agent. The appeal procedures followed by the council shall be the same as required in Section 16.48.050. (Ord. 274 § Exh. A, 2004; Ord. 256 § Exh. A, 2003; Ord. 97 §§ 6.12--6.129, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.130 Property maintenance.**

A. Purpose. All properties within the city shall be maintained in a manner which will prevent the existence of hazards and life threatening conditions. Maintenance of properties shall include any vegetation, natural features and structures of any type located on the property.

#### B. Vegetation.

1. Any trees which are dead, harboring a nuisance, leaning or reclining at an angle which could create a danger if the tree were to fall, is a fire hazard or interferes with utilities or service delivery shall be removed from the property by or at the expense of the property owner.

2. Grass and weeds growing on any property for noncommercial purposes shall not be allowed to grow above a height of eighteen (18) inches above ground level. Cutting or removal shall be at the owner's expense.

3. Noxious weeds and growth must be removed immediately upon appearance on any property. After official notice from the city, failure to remove such weeds and growth shall result in removal, disposal and spraying of the area by the city, which shall be reimbursed by the property owner. The city shall keep records of such costs and shall send an invoice to the property owner for such costs incurred. The bill is to be paid immediately upon receipt via registered mail.

#### C. Natural Features.

1. No water shall be allowed to pond where such ponded water has been or will become stagnant and act as a breeding area for insects or will harbor a nuisance of any type.

2. Any slope or scarp which is steep enough to create a potential hazard from rockfall, mudslide or landslide shall be maintained in any practical and possible way to prevent damage to surrounding properties or injury to any person.

D. Structures. Any structure which has been condemned by an official source or which has been judged unsafe by the building official shall be repaired if possible to become usable or habitable under current building codes as administered by the building official to become habitable or it shall be removed from the property. Any repair and/or removal of any structure from any property shall be at the expense of the property owner.

E. Safety. No feature of any property, whether natural or manmade, shall lean, recline or lay across any property line or cause any hazard to any other property by such means as falling, creeping, sliding or any other means. (Ord. 97 §§ 6.14--6.142, 1986)

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### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.140 Excavation or filling of soil.**

- A. Purpose. The provisions of this section further regulate and restrict the layout and improvement of land, including drainage; the excavating, filling and grading of lots; the location and construction of buildings and other structures and parts and appurtenances of such buildings and structures.
- B. Layout. Prime consideration in the placement of all buildings and other structures, including concrete or paved driveways or walkways, streets of any type of construction, or fills or excavations shall be the maintenance of the natural absorption through the soil of septic tank effluent, natural groundwater and water runoff.
- C. Drainage. The planning commission or appropriate and designated body or agent must approve any and all proposals that will, in the opinion of the city engineer or his or her designated representative, change water run-off, sewage effluent absorption or natural groundwater absorption.
1. Natural flows of groundwater and surface water and stormwater drainage shall be maintained so as to prevent harmful effects on surrounding property. Erosion shall be controlled in accordance with an erosion control plan.
- D. Procedure. It shall be the applicant who shall bear the sole burden of providing to the city any and all information, documentation, evidence and proof that any proposed development of the land will conform to and fulfill the requirements of this section. (Ord. 97 §§ 6.15--6.154, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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

A. Whenever any property within the city is developed, the improvement and upgrading of public facilities and services which directly serve only the subject property and require improvement and upgrading as a result of the development of the property shall be paid for directly by the landowner or developer or by other means as arranged between the developer and the provider.

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

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

D. The city shall be held harmless in any improvement or upgrading activity carried on by the developer, even though such activity was required or approved by the city. The developer shall sign such an agreement as provided by the city attorney. (Ord. 97 § 6.17, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.170 Surface water runoff and detention.**

A. Purpose. In order to minimize water quality degradation by preventing siltation of any creek, stream, lake or other body of water, and to protect property and property owners not only adjacent to any body of water but at any location within the city, this section has been formulated. Additionally, the city seeks to reduce the general erosion, protect the topography of the area, reduce damage to water bodies, courses and property both public and private and to protect and insure the safety of city and county streets and roads, drainage channels, public and private facilities and the general health, welfare, peace and comfort of the citizens of Happy Valley and the public through the implementation of this and associated or related sections.

B. Specialized Definitions. For the purposes of this section the following terms shall have the following meanings:

"Computations" mean calculations, including coefficients and other pertinent data, made to determine the drainage plan with flow rates of water given in cubic feet per second (cfs).

"Development" means any form of use or improvement to any property such that the character or capability of the property has been altered or adjusted. Such use or improvement shall include but is not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations located within the city.

"Development coverage" means all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory buildings and parking areas.

"Design storm" means that storm level which has been designated by the city as being the base storm for all computations and calculations used in this section.

"Design storm frequency" means the average period of time in years that the design storm may be expected to occur once, with the probability being the same for each year that such storm will occur in any year of the frequency interval.

"Detention facilities" means facilities designed to hold runoff for a short period of time and then releasing it to the natural watercourse.

"Drainage area" means the watershed (acreage) contributing surface water runoff to and including the subject property.

"Drainage plan" means a plan for receiving, handling, and transporting surface water within and releasing the flow of water from the subject -property.

"Drainageway, major." "Major drainageway" means those ways which, for the purpose of this section, are the primary water-carrying routes within the city. The major drainageways shall include Mt. Scott Creek and the natural drainageway that is tributary to Mt. Scott Creek, located immediately to the west of Mt. Scott Blvd.

"Drainageway, minor." "Minor drainageway" means those ways which are secondary water-carrying routes within the city and shall include all other natural drainageways as indicated on the current Happy Valley drainage study.

"Energy dissipators" means natural or artificial objects, structures or systems which serve to reduce flow velocity or volume in any drainage or runoff area in order to prevent erosion, channelization or the increase of flow beyond desired levels.

"Floodplains" means the lowland that borders a river, usually dry but subject to flooding, otherwise defined as that land outside of a stream channel described by the perimeter of the maximum probable flood, as more specifically shown in the Flood Insurance Rate Map (FIRM).

"Floodway" means the channel of a stream and those parts of the flood plains adjoining the channel, which are reasonably required to carry and discharge the floodwater or floodflow of any stream. Generally, the floodway is a part of the floodplain which, to facilitate the passage of floodwater is kept clear of encumbrances.

"Peak discharge" means the maximum surface water runoff rate in cubic feet per second (cfs) determined for the design storm frequency.

"Receiving bodies of water" means creeks, streams, rivers, lakes, ponds and other bodies of water into which surface waters are directed, either naturally or in manmade ditches or open systems.

"Revegetation" means the replacement of vegetation which was existing on any site prior to any work done and displaced by such work. Revegetation may be done by seeding the prepared ground surface or the actual planting of healthy seedlings, saplings or other vegetation of a quality which is equal to or in excess of the quality of the displaced vegetation.

"Subject property" means the tract of land which is the subject of the permit and/or approval action.

C. Submission of a Drainage Plan. Any property owner or authorized agent applying for any of the following permits or approvals shall be required to submit with the application a drainage plan which has been prepared by a registered professional engineer or with the assistance of the city engineer at the applicant's expense for review and approval by the city or its designated representative:

1. Subdivision;
2. Planned unit development;
3. Major partition;
4. Conditional use permit;
5. Minor partition;
6. Any building permit where the off-street parking requirement according to the code is six or more vehicles.

D. Any drainage plan submitted may be supplemented with additional information at the request of the city or its designated representative. Also, the same drainage plan may be resubmitted with future applications which are related to the original application with which the drainage plan was first submitted.

E. Submission of a drainage plan may be waived by the city or its designated representative when the applicant is able to show proof that the runoff/drainage:

1. Will not seriously and adversely impact the water quality conditions of any affected receiving bodies of water; and/or

2. Will not alter the drainage patterns, increase peak discharge and cause any other adverse effects in the drainage area.

#### F. Contents of a Drainage Plan.

1. All drainage plans required and submitted for surface water flows entering, flowing within or leaving the subject property shall contain information and follow procedures as delineated in the current Happy Valley drainage study. Background information and proposed improvements for handling future runoff should be provided in as much detail as is possible or required to make the drainage plan understandable, usable and viable.

2. At the minimum, the following background information will be required:

- a. Depiction of the drainage area on a topographical map, with acreage indicated;
- b. Indication of the peak discharge and amount of surface water currently entering and leaving the subject property;
- c. Indication of the peak discharge and amount of runoff which will be generated within the subject property if development is allowed to proceed;
- d. Determination of the peak discharge and amount of water that will be generated by design storm frequencies at various points on the subject property.

G. Computation of Stormwater Runoff. The computation of stormwater runoff from any property shall be determined by methods specified in the current Happy Valley drainage study depending on the drainage and property areas. Those two methods are:

1. Rational Method, where  $Q = CIA$

$Q$  = Peak runoff rate in cubic feet per second.

$C$  = Runoff coefficient which is the ratio of the maximum rate of runoff per unit area to the average rate of rainfall over the duration of the design storm.

$I$  = Average rainfall intensity for the duration of the design storm, expressed in inches per hour.

$A$  = Drainage area in acres, including all of the tributary area above the point of interest.

2. Soil Conservation Service (SCS) curve number method, a description of which is found in the "SCS National Engineering Handbook" Section 4: Hydrology, August, 1972.

H. Policy Guidelines for Storm Water Runoff Management. In accordance with the "Interim Guidelines for Stormwater Runoff Management in the Johnson Creek Basin" as produced by the Metropolitan Service District (Metro) and dated June 14, 1979, the same or similar guidelines have been adopted by the city for the entire urban area, whether or not developed, including the Mt. Scott Creek Drainage Basin. The following policies and guidelines shall apply throughout the entire city for all drainage plans and improvements:

1. Policy and Guidelines No. 1.

Policy: To minimize the amount and rate of stormwater runoff reaching any creek or stream. The runoff which cannot be returned to the soil should be directed to the drainageway so as not to contribute to the peak flood flow or degrade instream water quality.

Guidelines:

a. Stormwater drainage systems shall place emphasis on maximizing natural water percolation, and on utilizing natural drainageways with adequate capacity for surface flows;

- b. Water from newly constructed roadways shall be prevented from flowing from the road right-of-way in an uncontrolled fashion;
- c. Natural drainageways shall be riprapped or otherwise stabilized as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
- d. Runoff from the impervious surfaces shall be collected and transported only to those local drainageways which have sufficient capacity to accept the discharge;
- e. Sediment retention shall be provided for during the construction phase and shall be installed in such a manner within each development as to minimize sedimentation in the drainage way during the entire construction cycle;
- f. Alterations to major drainageways shall be prohibited except when approved by the city engineer for road crossings, utility and drainage improvements;
- g. The rate of runoff from a developed site during a twenty-five (25) year recurrence interval storm shall not exceed the predevelopment rate of runoff released based on a ten (10) year recurrence interval storm as defined by the city unless the city has approved or provided a detention basin downstream from the site which will receive stormwater from the development and is designed to fulfill the intent of these guidelines. Approved methods to satisfy this requirement in order of preference are:
  - i. Surface storage,
  - ii. Underground storage.
  - iii. Installation of stormwater management systems will be the responsibility of the developer.

## 2. Policy and Guidelines No. 2.

**Policy:** To retain and protect existing vegetation in steeply sloped (twenty (20) percent and above) and landslide prone areas, to decrease the potential for erosion, decrease the amount of surface water runoff to preserve areas of natural percolation and help stabilize landslide prone areas.

### **Guidelines:**

- a. Riparian vegetation that protects stream banks from eroding shall be maintained or enhanced along: major drainageways for a minimum of twenty (20) feet measured horizontally from the channel bottom centerline plus one additional foot for each one percent of bank slope greater than twenty percent; minor drainageways for a minimum of ten (10) feet measured horizontally from the channel bottom centerline plus one additional foot for each one percent of slope greater than twenty (20) percent; seasonal drainageways for a minimum of ten (10) feet measured horizontally from the channel bottom centerline. This standard policy should not be construed to mean that clearing of debris from the streambed itself is prohibited; normal clearance of the streambed to allow for unimpaired flow of water is encouraged;
- b. Slope stabilization and revegetation plans shall be included as part of the developer's drainage plans;
- c. Removal of vegetation during the construction shall be kept to a minimum. Vegetation shall be replaced upon completion of construction or within a time frame as designated by the planning commission.

## 3. Policy and Guidelines No. 3.

**Policy:** To manage floodways in order to protect their natural function, as well as to protect the property of those individuals currently living within and along the floodplain boundary.



## Guidelines:

- a. No new building structures or landfills shall be allowed in any floodway;
- b. Any floodway shall be retained as open space and used for recreational purposes;
- c. Construction and development in the floodplain shall be in such a manner that flow of floodwaters will not be restricted;
- d. Materials which may be inundated shall be of such strength and quality that they will not deteriorate, and they must be able to withstand water pressure or the high velocity of flowing water, in compliance with "Flood-proofing Regulations" - U.S. Army Corps of Engineers, June, 1972;
- e. The finished floor elevations of buildings shall be a minimum of two feet above floodplain elevation. Whenever possible, the floodplain shall be retained as open space and used for recreation or water storage.

## I. Mandatory Requirements for all Drainage Plans and Improvements.

1. Surface water entering the subject property shall be received at the naturally occurring location and surface water exiting the subject property shall be discharged at the natural location with adequate energy dissipators to minimize downstream damage and with no diversion at any of these points;
2. The peak discharge from the subject property may not be increased due to the proposed development;
3. Detention facilities must be provided in order to handle all surface water in excess of the peak discharge;
4. Where open channel construction is used to handle drainage within the property, a minimum of fifteen (15) feet will be provided between any structures and the top of the bank of the defined channel.
  - a. In open channel work the water surface elevation shall be indicated on the plan and profile drawings. The configuration of the finished grades constituting the banks of the open channel shall also be shown on the drawings.
  - b. Proposed cross-section of the channel will be shown with stable side slopes with a maximum slope of 2:1 unless paved.
  - c. The water surface elevation of the design flow will be indicated on the cross-section.
5. Where a closed system is used to handle drainage within the property, all structures will be a minimum of ten (10) feet from the closed system;
6. Administrative variances from any or all of the foregoing requirements may be permitted only after a determination by the city, employing the following criteria:
  - a. Capacity of downstream facilities,
  - b. Acceptability of receiving bodies of water,
  - c. Possibility of adverse effect of detention,
  - d. Utility of regional detention facilities, and
  - e. Capability of maintaining the system.

J. Development In Identified Flood, Drainage and/or Erosion Areas. Development which would increase the volume of discharge from the subject property shall not be permitted in areas identified

by the current Happy Valley drainage study or any other appropriate study by any agency or body where existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community, until such a time as the community hazard is alleviated. Where applications of the provisions of this section will deny all reasonable uses of the property, the restriction on development contained in this section may be waived for the subject property, provided that the resulting development shall be subject to all of the remaining terms and conditions of this section.

K. Detention Facilities. Necessary and required detention facilities shall be designed and constructed where it has been determined that maximum runoff during the design storm will exceed the computed peak discharge from the subject property. Using the following methods of storage computation, requirements for every development shall be determined, regardless of the size of the property:

1. Simplified Rational Method Technique as calculated by the formula:

$$\text{Storage Volume} = \frac{Q_i T - Q_o T + I_c}{2}$$

$Q_i$  = calculated peak runoff rate

$T$  = design storm duration

$Q_o$  = maximum allowable outflow

$T_c$  = time of concentration

(An explanation of this method and an example of its applicability may be found in the current Happy Valley drainage study.)

2. Level Storage Routing Method based upon the continuity equation:

Inflow - Outflow = Change in storage, or

$$\frac{I_1 + I_2}{2} - \frac{O_1 + O_2}{2} (\Delta T) = S_2 - S_1$$

$I_1$  = Inflow at time 1

$I_2$  = Inflow at time 2

$O_1$  = Outflow at time 1

$O_2$  = Outflow at time 2

$T$  = Time interval

S1 = Storage at time 1

S2 = Storage at time 2

(An explanation and example of this method and its applicability may be found in the current Happy Valley drainage study.)

L. Application to Governmental Entities. All governmental entities, including public and semi-public corporations, shall be bound and required to comply with all terms and specifications of this section when developing or improving any land within the corporate limits of the city. This applicability shall apply to all state, regional, local and municipal organizations doing work which includes but is not limited to road building, sanitary sewer repair or installation, water system repair or installation and maintenance and storm drainage improvements.

M. Bonding and Liability Insurance. The city shall require all persons, firms or bodies who are constructing runoff and/or detention facilities to post adequate bond, as determined by the city engineer. This bond may take the form of surety or cash in the amount of the estimate by the city engineer, plus an additional ten (10) percent of the total estimate to account for inflation and administrative services. Types of bonding and insurance:

1. Construction Bond: Prior to commencing construction, the person constructing the facility shall post a construction bond with the city in an amount sufficient to cover the cost of conforming such construction with the approved drainage plans. Such bond shall be held by the city. After determination by the city that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.
2. Maintenance Bond: After satisfactory completion of the facilities and release of the construction bond by the city, the person constructing the facility shall commence satisfactory maintenance of the facility. A cash bond to be used at the discretion of the city engineer to correct deficiencies in the maintenance affecting public health, safety and welfare must be posted with the city and maintained throughout the maintenance period. The amount of cash bond shall be determined by the city engineer, but shall not be in excess of one thousand five hundred dollars (\$1,500.00). In addition, a surety bond or cash bond to cover the costs of design defects or failures in workmanship of the facilities shall also be posted and maintained throughout the maintenance period.
3. Liability Insurance: The person constructing the facility shall maintain a liability policy in an amount not less than one hundred thousand dollars (\$100,000.00) per individual, three hundred thousand dollars (\$300,000.00) per occurrence, and fifty thousand dollars (\$50,000.00) property damage or such greater sum as is determined by the city, which shall name the city of Happy Valley as an additional insured and which shall protect the city from any liability up to those amounts for any accident, negligence, failure of the facility or any other liability whatsoever, relating to the construction or maintenance of the facility. Such liability policy shall be maintained for the duration of the construction of the facility. In the case of facilities assumed by the city for maintenance such liability policy shall be terminated when the city maintenance responsibility commences.
4. Where such persons have previously posted, or are required to post other such bonds with the city recorder either on the facility itself or on other construction related to the facility, such person may, with the permission of the city engineer and to the extent allowable by law, combine all such bonds into a single bond. At no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds, and provided further that such bond shall on its face clearly delineate those separate bonds which it is intended to replace.

N. City Assumption of Maintenance. The city is authorized to assume the maintenance of detention facilities in connection with the development and/or improvement of land if:

1. All of the requirements of subsection (M) have been fully complied with;
2. The facilities have been inspected and approved by the city after every year of operation;
3. The cash and surety bonds required in subsection (M) have been extended for one year, covering the city's or designated agent's first year of maintenance; and
4. All necessary easements entitling the city or its designated agent to properly maintain the facility have been conveyed to the city. (Ord. 97 §§ 6.18--6.192, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.20 DEVELOPMENT STANDARDS AND REQUIREMENTS

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#### **16.20.180 Historic Overlay District.**

A. Purpose. The description and purpose of this Overlay District is to keep and protect features within the city that reflect the city's special and historical heritage in order to:

1. Safeguard the city's heritage as embodied and reflected in such features;
2. Encourage public awareness and knowledge of the city's history and culture;
3. Foster pride and a sense of identity with Happy Valley as a place;
4. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses.

B. Review Authority. The review of applications identified in this section shall be conducted by the planning commission or, if necessary, the city council.

C. Evaluation.

1. The Historic Overlay District shall be applied to specific features through the plan amendment process.
2. An inventory of cultural/historical features shall be maintained in the comprehensive plan. Each feature shall be evaluated according to subsection (C)(3) of this section and classified as either "worthy of protection" or "not worthy of protection."
3. A decision of the planning commission to designate a feature "worthy of protection" shall be accompanied by findings which include:
  - a. A brief description of the resource;
  - b. Whether the feature:
    - i. Exemplifies or reflects special elements of the city's history;
    - ii. Is identified with persons or events significant in local history;
    - iii. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
    - iv. Is included in an official register of historic and cultural resources;
    - v. Is owned or controlled by a public, semi-public or not-for-profit entity; or
    - vi. Has already received significant effort to preserve, restore and/or maintain.

D. Designated Resources. When a resource is designated by the city, the tax lot which contains the resource shall be shown on the applicable plan maps with a Historic Overlay District designation. This does not mean, however, that the entire tax lot is subject to the provisions of Section 16.20.120. Instead, only the specific feature is subject to the provisions of this section.

## E. Permits.

1. Any alteration of the exterior of a designated historic feature, or any relocation of such a resource, shall be reviewed by the planning commission.
2. No development permit shall be issued for exterior alteration or relocation of any designated feature or any potential resource which is under consideration for designation while a public hearing or any appeal thereof is pending.
3. No demolition of any designated feature or any potential resource shall occur unless approved by the city council in an advertised public hearing. (See subsection (E)(5) of this section.)
4. Approval of a development permit to alter the exterior of or relocate a designated feature shall be based on findings of adherence to the following guidelines:
  - a. Retention of Original Construction. All original exterior details shall be preserved unless economic unfeasibility can be demonstrated. Where possible, original exterior materials shall be preserved;
  - b. Height. Additional stories (vertical additions) may be added to historic buildings provided:
    - i. The added height complies with requirements of the LDO;
    - ii. The added height does not exceed that which was traditional for the style of the building;
    - iii. The added height does not alter the traditional scale and proportions of the building style;
    - iv. The added height is visually compatible with any historic building which is adjacent or within two hundred fifty (250) feet in any direction.
  - c. Bulk. Horizontal additions may be added to historic buildings provided:
    - i. The bulk of the addition does not exceed that which was traditional for the building style;
    - ii. The addition maintains the traditional scale and proportion of the building style;
    - iii. The addition is visually compatible with any historic building which is adjacent or within two hundred fifty (250) feet in any direction.
  - d. Visual Integrity of Structure. The lines of columns, piers, spandrels or other primary structural elements shall be maintained so far as is practicable;
  - e. Scale and Proportion. The scale and proportion of altered or added building elements and the relationship of voids to solids (window to wall) shall be visually compatible with the traditional architectural character of the historic building;
  - f. Material, Color and Texture. The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building;
  - g. Signs and Lighting. Signs, lighting and other artificial or nonoriginal appurtenances shall be avoided where possible. However, use of such signs, lighting and other artificial or nonoriginal appurtenances, plus walls, fences, awnings and landscaping, shall be visually compatible with the traditional architectural character of the historic building.
5. Removal of a designation or approval of a permit to demolish a designated historic feature shall be based on findings of adherence to the following:
  - a. Compelling evidence that the original designation was in error;
  - b. The resource has ceased to exist or is no longer of significance to the public, based on a reevaluation of the criteria in Section 16.20.170(C)(3); or
  - c. The property owner is bearing an unfair economic burden to maintain the historic or cultural

resource. If the city council finds evidence of the latter criterion (economic burden), it shall continue the hearing on the matter to a date certain no longer than one hundred twenty (120) days from the date the application was accepted. During this period, the city shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If, by the second hearing date a method has not been found assuring the protection of the resource, and the application has not been withdrawn, it shall be approved. If alteration or demolition of the resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the city shall obtain a pictorial and graphic history of the resource, and artifacts from the resource it deems worthy of preservation. (Ord. 97 §§ 6.20--6.205, 1986)

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**Chapter 16.24 NONCONFORMING USES, STRUCTURES AND LOTS**

[16.24.010 Purpose.](#)

[16.24.020 Nonconforming uses.](#)

[16.24.030 Nonconforming buildings.](#)

[16.24.040 Nonconforming lots.](#)

[16.24.050 Modification of any nonconforming situation.](#)



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[Chapter 16.24 NONCONFORMING USES, STRUCTURES AND LOTS](#)

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**16.24.010 Purpose.**

A nonconformity is created when regulations and standards, generally more recent than certain developmental circumstances to which they are applied, cause a pre-existing development to fail to meet those regulations and standards. The purpose of this chapter is to define, explain and delineate the nonconforming situation and to create a workable relationship between this title, the nonconforming situation and the development patterns and trends in the city. (Ord. 97 § 7.01, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.24 NONCONFORMING USES, STRUCTURES AND LOTS

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#### **16.24.020 Nonconforming uses.**

- A. Purpose. A nonconforming use is a use of the land, regardless of the conforming situation of the building, tower or lot, which is not an allowable use permitted by right according to the development code, but a use which was established and operating prior to the adoption of the ordinance, code or regulation which caused such use to become nonconforming.
- B. Continuation of Use. A nonconforming use may be continued even though not in conformity with the regulations for the district in which the use is located.
- C. Enlarging or Extension of Use.
1. Pursuant to the provisions and procedures of this chapter, a nonconforming use may be enlarged or extended within a building or on the same lot provided that the more restrictive requirements of either the district involved or the proper district for the use involved applies to such enlargement or extension; and provided further that all current development regulations are complied with, and that additional adverse effects are not created for abutting properties or the neighborhood, e.g., objectional conditions, visual and noise pollution, vehicular traffic, dust, or street parking, and, provided further, that the provisions of this chapter are adhered to.
  2. In cases of practical difficulty and unnecessary hardship, a nonconforming use in a residential district may be enlarged within its containing structure or may be permitted to enlarge within the existing floor area of its containing structure or of its land use.
- D. Completion of Use. Any use which was originated prior to the adoption of the ordinance codified in this chapter, code or regulation which caused such use to become nonconforming may continue to full use and development within a building or upon the same lot as such use originated. However, any expansion of the pre-existing use to full use development must comply with the development standards of the currently adopted ordinance, code and regulation.
- E. Change of Use. A nonconforming use may not be changed or altered unless the change or alteration is to the same use classification as prescribed in the development code or to the classification that more nearly conforms with the regulations for the district in which the use is located.
- F. Discontinuation of Use.
1. If a nonconforming use is discontinued for a period of at least twelve (12) consecutive months, the use shall not be reestablished.
  2. A nonconforming use may continue and a nonconforming building may be occupied, except that no nonconforming use which shall have been discontinued for a period of twelve (12) consecutive

months shall be resumed nor shall it be replaced by another nonconforming use.

G. Damage and Destruction. When a building which contains a nonconforming use is damaged to an extent exceeding seventy-five (75) percent of its valuation, the nonconforming use shall not be reestablished. Buildings and uses that conform to the development code requirements may be reestablished. Valuation shall be determined by an independent fee appraiser who shall be acceptable to both the city and the applicant. The cost of the appraisal shall be the sole responsibility of the applicant. (Ord. 318 Att. A (part), 2005; Ord. 97 §§ 7.02—7.027, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.24 NONCONFORMING USES, STRUCTURES AND LOTS

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#### **16.24.040 Nonconforming lots.**

A nonconforming lot is an established lot of record which, under the development standards of the currently adopted ordinances, codes and regulations, fails to meet the stated minimum standards or exceeds any stated maximum standards.

A. Continuation of the Lot. Any single vacant lot of record at the effective date of adoption of the ordinance codified in this chapter may be used for development even though the lot fails to meet the requirements for area, width or depth that are generally applicable in the district, provided that yard dimensions and other requirements pertaining to the lot shall conform to the regulations for the district in which the lot is located. Further, no division of lots shall be made which will leave remaining any separate lot with an area less than the requirements stated in this chapter.

B. Enlarging or Alteration of a Lot.

1. Any nonconforming lot may be enlarged to any extent, even though the lot may remain in nonconformance; provided the enlargement does not cause the lot to exceed any stated maximum standards.

2. Any nonconforming lot may be altered with regard to size, shape and topography, provided that the degree of nonconformity is not increased.

3. Any property which is a noncon-forming lot may be combined with any other contiguous property which is under the same ownership for the purpose of reducing or removing the nonconforming status of either, both or all lots. When such action has been completed and is on record with the county clerk and/or assessor's offices, the property may be eligible for permits as determined by the city. (Ord. 97 §§ 7.04—7.042, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.24 NONCONFORMING USES, STRUCTURES AND LOTS

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#### **16.24.050 Modification of any nonconforming situation.**

- A. Purpose. Before any nonconforming use is enlarged or extended or changed in any way; before any nonconforming building is extended, enlarged, rebuilt, moved or changed in any way; or before any nonconforming lot of record is altered with regard to size, shape and topography, an application must be filed with the city for such modification to take place and approval of the application must occur. The required fee must accompany the application at the time of submittal.
- B. Criteria. Prior to filing an application for modification to a nonconforming use, a preapplication conference shall be held with the city to advise the applicant of procedures to be followed. The city upon receipt of an application shall notify by mail all owners of all properties within three hundred (300) feet of the applicant property advising of a public hearing concerning the proposed modification.
- C. Procedure. The planning commission or appropriate and designated body or agent shall hold a public hearing or make an administrative decision and either grant or deny the application. The planning commission or appropriate and designated body or agent shall base its decision to grant or deny the application for modification based on findings of fact. If the application is granted, the commission or appropriate and designated body or agent may impose such conditions and requirements as deemed necessary to insure that the intent of this development code is obtained. The applicant or owner(s) may appeal such decision to the appropriate appeal body by filing with the city recorder within fifteen (15) days of the decision by the planning commission or appropriate and designated body or agent. If no appeal is filed, the decision shall be deemed final. If an appeal is filed, the appeal body shall hold a public hearing pursuant to the procedures provided in Section 16.48.050.
- D. Building Variances. For modification of a nonconforming building, the application will be considered by the designated building official and the application approved or denied based on compliance with all pertinent sections of this title and with the adopted building code in the city. A copy of the decision shall be forwarded to the applicant within five working days after the receipt of application by the building official.
- E. Lot Variances. For modifications of a nonconforming lot, the application will be considered by the planning commission or appropriate and designated body or agent and the application approved or denied based on compliance with all pertinent sections of this code. Any approval or denial shall be based on findings of fact and shall be documented. A copy of the decision shall be forwarded to the applicant within five working days after the receipt of application by the city recorder.
- F. Temporary Permits. The planning commission or appropriate and designated body or agent after public hearing may permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this title for the district in which it is located, provided that such use be of temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable conditional use permit, for not more than a twelve (12) month period, subject to such

conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon reapplication to the commission or appropriate and designated body or agent and the finding by the commission or appropriate and designated body or agent of a continuing need. However, the finding of a continuing need by the commission or appropriate and designated body or agent shall not necessarily mean that such permit will be renewed. (Ord. 318 Att. A (part), 2005; Ord. 97 §§ 7.05—7.057, 1986)

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**Chapter 16.28 VARIANCES**

[16.28.010 Purpose.](#)

[16.28.020 Title.](#)

[16.28.030 Criteria for consideration of a variance.](#)

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## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.28 VARIANCES](#)

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#### **16.28.010 Purpose.**

Where difficulties exist rendering compliance with this title impractical and such compliance would create unnecessary hardship to the owner or user of land or building, a variance from the provisions of this title may be granted after a prescribed public hearing and after an investigation, provided the following conditions exist:

- A. The difficulty would apply to the particular land or building regardless of the owner;
- B. The request for variance is not the result of an illegal act on the part of the applicant;
- C. The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shape of building, which are not typical of the general conditions of the surrounding area;
- D. The hardship asserted as a ground for a variance must arise out of the development code;
- E. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant;
- F. The variance does not allow the property to be used for purposes not authorized within the district involved. (Ord. 97 § 8.01, 1986)



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[Chapter 16.28 VARIANCES](#)

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**16.28.020 Title.**

Under the terms and provisions of this title, the planning commission or appropriate and designated body or agent may grant variances prescribed by this title with respect to lot size, lot depth, lot width, coverage, setbacks and yards, heights, parking and access, landscaping, tree cutting, fencing and screening, lighting, sun exposure, excavation and fill and signs where there is a special and unusual hardship related to a specific piece of property or if the literal interpretation of this title would cause an undue or unnecessary hardship. (Ord. 97 § 8.02, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.28 VARIANCES

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#### **16.28.030 Criteria for consideration of a variance.**

A. The planning commission or appropriate and designated body or agent may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:

1. That there are unique physical circumstances or conditions, including, but not limited to irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
2. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title;
3. That the condition requiring the variance has not been intentionally created to circumvent the land development ordinance;
4. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property or create a precedent for the neighborhood which does not now exist;
5. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the development provisions which are in question.

B. In granting the variance, the commission or appropriate and designated body or agent may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title. (Ord. 97 § 8.03, 1986)

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**16.28.040 Procedures.**

A. Application and Fee.

1. A variance request shall be made to the planning commission or appropriate and designated body or agent on a form prescribed by the city, to be accompanied by a fee as required by Section 16.48.080.

2. The variance request shall include an accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walkways, off-street parking, off-street loading facilities, landscaped areas and location of all utilities and easements. A cross-sectional view of the proposed use may be required to show slopes and other pertinent information.

3. The request shall be filed with the city. The city shall give notice to the applicant of the time and place of the public hearing. The application shall be accompanied by a list, in address label format, of all owners of property located within three hundred (300) feet of the property subject to the application, according to the most recent Clackamas County assessor's records.

B. Notice. Notice of public hearing shall be provided as required by state law.

C. Public Hearing. A public hearing shall be held by the planning commission or appropriate and designated body or agent for the purpose of considering a variance request. (Ord. 97 § 8.04, 1986)

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**16.28.050 Limitations on a variance.**

A variance granted by the planning commission or appropriate and designated body or agent shall automatically expire within one year of the date it was granted unless a building permit for such variance is obtained within such period. The commission or designated body or agent may grant extensions for good cause shown pursuant to Section 16.16.010(D)(12). (Ord. 97 § 8.05, 1986)

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**16.28.060 Appeals.**

Persons aggrieved under the provisions of this title shall have the right of appeal to the city council from the decision(s) of the planning commission or appropriate and designated body or agent. Requests for such an appeal shall be made within fifteen (15) days from the date of the decision of the commission or appropriate and designated body or agent. The appeal procedures followed by the council shall be the same as required in Section 16.48.050. (Ord. 97 § 8.06, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.28 VARIANCES

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#### **16.28.070 Administrative variance.**

- A. Purpose. The purpose of an administrative variance shall conform to the same requirements held necessary for a variance as outlined in Section 16.28.010.
- B. Authority to Grant an Administrative Variance. The city administrator or appropriate and designated body or agent may grant an administrative variance of up to twenty (20) percent from any dimensional or development review standard except for lot area which shall be limited to five percent for an administrative variance.
- C. 1. Criteria for Consideration of an Administrative Variance. The city administrator shall grant an administrative variance only if the administrator finds that all of the requirements as stated in Section 16.28.030, insofar as applicable, have been satisfied. Staff may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting relief.
2. Administrative variances may be granted in the following areas: Sections within Chapter 16.20, Development Standards and Requirements, including setbacks, dimensional standards including lot width, depth and coverage, street frontage requirements, structure height, fencing and screening, signs and other development standards as specified by the land development ordinance.
- D. 1. Procedures. A variance request shall be made to the city administrator or appropriate and designated body or agent on a form prescribed to the city, to be accompanied by a fee as required by Section 16.48.080.
2. The variance request shall include an accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, buildings, driveways, pedestrian walkways, off-street parking, off-street loading facilities, landscaped areas and location of all utilities and easements. A cross-sectional view of the proposed use may be required to show slopes and other pertinent information.
- E. Limitations on a Variance. An administrative variance granted by the city administrator or appropriate and designated body or agent shall automatically expire within one hundred eighty (180) days of the date it was granted or within such time as the administrator or appropriate and designated body or agent shall prescribe unless a building permit for such variance is obtained within such period. The administrator may grant variance extensions for good cause shown, but only if an application for such extension is made prior to the expiration of the variance.
- F. Appeals. Persons aggrieved under the provisions of this title shall have the right to appeal to the planning commission from the decision of the city administrator or appropriate and designated body or agent. Requests for such an appeal shall be made within ten (10) days from the date of the decision of the administrator or appropriate and designated body or agent. Persons aggrieved with the decision of the planning commission shall have the right of appeal to the city council. The appeal procedures followed by the planning commission and the city council shall be the same as required in Section 16.48.050. (Ord. 137 §§ 8.07--8.076, 1995; Ord. 97 §§ 8.07--8.076, 1986)



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**Chapter 16.32 DESIGN REVIEW**

[16.32.010 Purpose.](#)

[16.32.020 Applicability.](#)

[16.32.030 Design review types.](#)

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[16.32.110 Exceptions to standards.](#)

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[Chapter 16.32 DESIGN REVIEW](#)

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**16.32.010 Purpose.**

The purpose of design review is to guide the development of Happy Valley in a manner that creates a feeling of vitality in order to attract private investment and development that reflects and enhances the character of Happy Valley. (Ord. 297 (part), 2004)

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[Chapter 16.32 DESIGN REVIEW](#)

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**16.32.020 Applicability.**

- A. For the purposes of this chapter, a design review plan approval is required prior to:
1. Construction of a new building or substantial remodeling of an existing building, except for the construction or remodeling of single-family detached and duplex dwellings;
    - a. For the purposes of this chapter, substantial remodeling means:
      - i. Exterior remodeling that changes the appearance of more than fifty (50%) percent of any building elevation;
      - ii. A building expansion of more than twenty (20%) percent of building area, except for an expansion that is solely designed and constructed to:
        - a) Provide accessibility for the disabled;
        - b) Provide for energy conservation (e.g., addition of an entry vestibule);
        - c) Provide for screened recycling or trash storage; or
        - d) Relocate or screen visible exterior mechanical equipment so that such equipment is no longer visible.
  2. Dredging, filing, grading, paving, excavation or drilling operations located within the city. (Ord. 297 (part), 2004)

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### [Chapter 16.32 DESIGN REVIEW](#)

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#### **16.32.030 Design review types.**

A. Design Review Type I. Design review I decisions are made by the community development director or designee with public notice and an opportunity for a public hearing. Design review I is required for the following:

1. Expansion of existing nonresidential development which is between twenty (20%) and fifty (50%) percent of the building's gross floor area (less than twenty (20%) percent expansion does not require design review);
2. A change in use of a structure from residential to commercial or industrial;
3. A minor modification as defined under Section 16.32.050 of this chapter;
4. Enlarging or extending a nonconforming use under Section 16.24.020 of this title;
5. Multifamily developments made up of a total of four dwelling units or less.
6. Exterior modification of a structure other than a detached single family dwelling, duplex or zero lot line dwelling or structure accessory to such structures which:
  - a. Increases the building footprint or height; or
  - b. Modifies more than twenty-five (25%) percent of the façade or, if the property abuts property zoned for residential use, modifies any portion of the facade visible from the residentially zoned property.

B. Design Review Type II. Design review II decisions are made by the design review board. All development, alterations or structural alterations that are not design review I shall be processed, reviewed and decided as design review II including a major modification of an approved design review plan under Section 16.32.050. (Ord. 297 (part), 2004: Ord. 252 § 9.030.01, 2003)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.32 DESIGN REVIEW

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#### **16.32.040 General procedures.**

##### A. Design Review Board.

###### 1. Appointment and Make-up.

a. The city council shall appoint a design review board to serve as expert professional advisors to aid in the review of certain development applications. Members shall reside in either the city of Happy Valley or within annexation study areas of surrounding Clackamas County. These members may be removed by the city council upon a recommendation from the community development director. Members of the design review board shall be appointed for a term of four years, with a maximum of two terms.

b. The design review board shall consist of at least five, and up to seven members from the following groups and disciplines:

i. One landscape architect.

ii. One architect.

iii. One registered engineer.

iv. One representative from the field of finance or the construction and development industry.

v. Remaining member[s] from the general public. At-large members may be from any discipline or group, including any of the above.

c. In the event that the city council is unable to successfully form the design review board, the city shall contract the services of a professional architect and/or landscape architect as deemed necessary by the community development director.

###### 2. Role of Design Review Board.

a. The design review board or individual members thereof are responsible for reviewing appeals to design review I applications and design review II applications. The staff or applicant can also request the board to review a design review I application.

b. The design review board shall adopt rules to govern its deliberations and decisions as a group, and keep a record of its proceedings.

B. Pre-application Conference. Prior to applying for design review plan approval, applicants shall meet with the community development director, or designee, to present a preliminary plan and obtain feedback regarding the development of the land, siting of the project and potential impacts on the city, surrounding property owners and service providers. At the pre-application conference, the community development director or designee shall:

1. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;

2. Provide available technical data and assistance which will aid the applicant;
  3. Identify other governmental policies or regulations that relate to the application;
  4. Reasonably identify other opportunities or constraints concerning the application; and
  5. Provide a list of submittal requirements including the applicable design review approval criteria.
6. Failure of the community development director or designee to provide any of the information required by this section shall not constitute a waiver of any of the standards, criteria or requirements for the application.

C. Consolidated Process. Where a proposed development requires additional approvals as may be required under the land development ordinance, such permits may be combined and reviewed as part of a single review process. However, in the event that land use applications are paired together which require multiple review bodies, the highest review authority shall be the initial review body. For example, a design review application including a conditional use permit would require concurrent land use applications to be reviewed by the planning commission, and thus would not go before the design review board. The fees for the consolidated review process shall be provided by resolution of the city council consistent with Section 16.48.080.

D. Application. An application for design review together with the applicable fee shall be filed using forms prescribed by the city. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements under Section 16.32.060 and the applicable approval criteria and standards under this chapter in sufficient detail for review by the city. An application may be filed by the owner of the property or his/her duly authorized representative.

E. Time Limits. Approvals shall be void after two years unless substantial construction on the site has begun, as determined by the city. The planning commission or community development director or designee respectively may extend an approval for an additional period not to exceed one year, based on the following:

1. No changes are made to the original site design review plan;
2. The applicant can show intent of initiating construction on the site within the one year extension period;
3. There have been no changes to the applicable provisions on which the approval was based. If there have been changes to the applicable provisions and the plan does not comply with those changes, then the extension shall not be granted; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within the two year approval period was beyond the applicant's control. An application for an extension shall be filed with the applicable fee within thirty (30) days from the expiration of the approval. No more than three extensions shall be allowed for each approval.

F. Notice of Design Review Application.

1. Design Review I. Notice of application and an invitation to comment shall be mailed to the applicant, recognized neighborhood associations or community planning organizations whose boundaries include the site, and property owners within three hundred (300) feet of the property line of the subject site who are listed on the most recent property tax assessment role. At the request of the applicant, notice shall be provided to the department of land conservation and development. The notice shall include information as provided in Section 16.48.010(C)(2)(a) through (g) in addition to the following:

- a. Provide a twenty-one (21) day period for submitting written comments before a decision is made;
- b. State that all evidence relied on by the community development director to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and
- c. State that after the comment period closes, the community development director shall issue a final decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

The community development director or designee shall accept comment during the twenty-one (21) day comment period and render a final decision.

2. Design Review II. Notice of application, complete with file number and hearing date before the design review committee, is mailed to recognized neighborhood associations within the city limits and property owners within three hundred (300) feet of the subject property. The contents of the notice for design review II shall be consistent with Section 16.48.010(C)(2)(a) through (i) and shall be provided twenty-one (21) days prior to the date of the hearing.

3. Notice. Notice of design review I and II applications shall be sent to all affected government entities, including Clackamas County, METRO, and the Oregon Department of Transportation, when access is proposed to a county or state facility or a street of regional significance as defined by the regional transportation plan.

#### G. Appeal.

1. Design Review I. A design review I decision may be appealed to the design review board as follows:

a. Who may appeal. The following people have legal standing to appeal a design review I decision:

- i. The applicant;
- ii. Any person who was mailed written notice of the decision; and
- iii. Any other person who participated in the proceeding by submitting written comments.

b. Appeal Procedure.

i. Notice of Appeal. Any person with standing to appeal, as provided in subsection (F)(1)(a) of this section, may appeal a design review I decision by filing a notice of appeal according to the following procedures:

(A) Time for Filing. A notice of appeal shall be filed with the community development director or designee within ten days of the date the final decision was mailed;

(B) Contents of Notice of Appeal. The notice of appeal shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the notice of appeal has standing to appeal;
- (3) A statement explaining the specific issues raised on appeal;
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
- (5) Filing fee.

c. Appeal Hearing. The appeal hearing shall be de novo. The design review board's decision on the appeal may be appealed to the city council pursuant to Section 16.48.050 of this title.

2. Design Review II. The design review board's decision on a design review plan may be appealed to the city council pursuant to Section 16.48.050.

H. Noncompliance. A violation of the provisions of this chapter or failure to comply with any conditions of approval are subject to the enforcement and violations provisions provided in Sections 16.48.060 and 16.48.070. Consistent with Section 16.36.030, the city may withhold a certificate of occupancy until such time as the use or development is consistent with this chapter, including any conditions of approval required to assure compliance with this chapter. (Ord. 297 (part), 2004; Ord. 252 § 9.030.02, 2003).

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#### **16.32.050 Modifications to approved plans and conditions of approval.**

A. Major Modification. The community development director or designee shall determine that a major modification is required if one or more of the changes listed below are proposed:

1. An increase or decrease in the number of dwelling units;
2. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
3. An increase in the floor area proposed for nonresidential use by more than five percent where previously specified;
4. A reduction of more than five percent of the area reserved for common space and/or usable open space;
5. A reduction to specified setback requirements by more than ten percent, or to a degree that the minimum setback standards of the land use district cannot be met;
6. Alterations to the exterior of a structure, landscaping, or other improvements that substantially change the original design review approval;
7. Changes similar to those listed in paragraphs 1 through 6 above, which are likely to have an adverse impact on adjoining properties; and
8. The planning commission may define a major modification consistent with this section on a case-by-case basis to be included as a condition of approval.

B. Minor Modification. Any modification to an existing land use decision or an approved design review plan which is not within the description of a major modification as provided in subsection A of this section. Examples of minor modification include:

1. Limited dimensional or locational changes to building elements such as windows or doors;
2. Changes in building materials where only a limited area is affected;
3. Substitution of landscape materials that do not affect the overall landscape design;
4. A change in use that would not increase parking requirements, vehicle trips to and from the site or other adverse impacts to adjacent property and the surrounding community; and
5. Minor alterations to structures. (Ord. 297 (part), 2004: Ord. 252 § 9.030.03, 2003)



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#### **16.32.060 Design review submittal requirements.**

A. Submittal Requirements. In order to be deemed complete, design review applications shall contain all of the following plans and elements, unless specifically waived by the community development director:

1. Submittal Requirements for Design Review I:

- a. Existing conditions plan;
- b. Site plan;
- c. Landscape plan;
- d. Grading plan;
- e. Architectural elevations;
- f. Additional requirements;
- g. Narrative.

2. Submittal Requirements for Design Review II:

- a. Existing conditions plan;
- b. Site plan;
- c. Landscape plan;
- d. Grading plan;
- e. Architectural elevations;
- f. Site photographs;
- g. Materials board;
- h. Lighting plan;
- i. Additional requirements;
- j. Narrative.

B. Design Review Plans. Information Requirements: Information provided on the design review plan shall be presented as follows:

1. Three copies of full-size plans not larger than twenty-four (24) inches by thirty-six (36) inches to scale. Larger-sized copies are allowed at the discretion of the city;
2. Fourteen (14) copies of eleven inch by seventeen inch (11" x 17") (to scale);
3. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be

clearly discerned;

4. All plans should have a north arrow, title, scale and date of plan.

C. Existing Conditions Plan. This element of design review shall indicate the following site characteristics:

1. Assessor's tax map and tax lot number;
2. Boundary dimensions and area of the site;
3. Location of all existing structures, including their distances from the property line;
4. The location and names of all existing streets within or on the boundary of the development;
5. Location and species of trees greater than five inches in diameter when measured four and one-half feet above the natural grade and an indication of which trees are to be removed;
6. On sites that contain slopes greater than twenty (20%) percent, potential geologic hazards or unique natural features including environmental zones or overlays that may affect the proposed development, along with contours mapped at two-foot intervals;
7. Natural drainageways and other significant natural features such as wetlands, riparian corridors, and protected water features;
8. All buildings, roads, retaining walls, curb cuts, and other manmade features;
9. Structures and natural features including significant trees on adjoining property within two hundred (200) feet of the site; and
10. A survey of the subject property by a licensed land surveyor clearly delineating property boundaries shall be provided and shall be accurate as to current state of property.

D. Site Plan. This element of the design review plan shall indicate the following:

1. Area of the site covered by the structures described in this subsection and their percentage of the site;
2. All external dimensions of proposed buildings and structures;
3. Parking and circulation areas including their dimensions;
4. Service areas for such uses as the loading and delivery of goods;
5. Locations, purpose, and dimensions of easements;
6. Pedestrian circulation;
7. The location of mechanical equipment, garbage disposal areas, utility appurtenance, and similar structures;
8. Exterior lighting, including the type and intensity, are to be illustrated;
9. Provisions for handicapped persons;
10. Other site elements, which will assist in the evaluation of site development;
11. The location and names of all existing streets within or on the boundary.

a. A block on the plans stating the following:

i. For commercial and nonresidential development:

(A) The square footage contained in the area proposed to be developed,

(B) The percentage of the lot covered by:

- (1) Structures,
- (2) Parking areas,
- (3) Recreation areas,
- (4) Landscaping,
- (5) Other impervious surface areas needed to measure lot coverage.

ii. For residential development:

(A) The total square footage in the development,

(B) The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bed-room, twenty-five (25) two-bedrooms, etc.).

(C) The percentage of the lot covered by:

- (a) Structures,
  - (b) Parking areas,
  - (c) Recreation areas,
  - (d) Landscaping,
- (D) Other impervious surface areas needed to measure lot coverage.

E. Landscape Plan. This element of the design review plan should indicate the following:

1. Landscape plans shall be prepared by a licensed landscape architect;
2. Locations of buildings and structures, including pathways, driveways and parking areas;
3. Location of areas to be landscaped;
4. Private and shared outdoor recreation areas;
5. List of plant materials, including genus, species, common name, sizing, quantity and spacing;
6. Pertinent landscape features including walls, retaining walls, berms, fences and fountains;
7. A note on the plan indicating that an irrigation system will be installed to maintain the landscape materials and the method of irrigation;
8. The size, species, and locations of plant materials to be retained or placed on the site;
9. The locations and design details of walkways, plazas, courtyards, and similar seating areas including related street furniture and permanent outdoor equipment including sculpture;
10. The location and design details of proposed fencing, retaining walls, and trash collection areas; and
11. A proposed plan for the maintenance of the landscape plan including the replacement of plants as may be needed to preserve the visual integrity of the site.

F. Grading Plan. This element of design review shall indicate the following:

1. Grading and drainage plans including spot elevations and contours at close enough intervals to easily convey the slope of the site.

G. Architectural Elevations. This element of the design review plan shall indicate the following:

1. Color exterior elevations, showing finish materials, windows, doors, light fixtures, stairways, balconies, decks, and architectural details. These elevations shall be provided for every exterior wall surface including those that are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevation of floors indicated and a dimension showing compliance with height limitations.

H. Site Photographs. This element of the design review plan shall indicate the following:

1. Photographs depicting the site and its relationship to adjoining sites;
2. Current aerial photos accurately depicting existing conditions.

I. Materials Board. This element of the design review plan shall indicate the following:

1. The color and texture of finish materials shall be described and samples shall be submitted of the materials and color ranges of siding and other façade treatment, roofing, windows and trim.

J. Lighting Plan. This element of the design review plan shall indicate the following:

1. Illustrate the type of exterior wall light fixtures including the lamp types with manufacturer's specification sheet and the levels of illumination that they provide;
2. Location and type of street and parking lot light fixtures including the lamp types along with manufacturers specification sheet and the levels of illumination that they provide;
3. A comprehensive graphic plan showing the location, size, material, and method of illumination of all monument signs. Individual signs shall go through the sign permit process outlined in Chapter 16.60 of this title; and
4. The location, type, and intensity and manufacturer's specification sheet of light proposed to illuminate outdoor areas.

K. Additional Requirements.

1. The city may require the following in addition to the materials cited in Section 16.32.050. This determination would be made as part of the preapplication process.
2. These additional requirements may include (but are not limited to):
  - a. Traffic impact analysis, completed as per Section 16.16.100;
  - b. Architectural models;
  - c. Natural resource assessment, completed as per Sections 16.16.270 and 16.16.290;
3. Other information as requested by the community development director.

L. Narrative. A design review narrative shall be provided that addresses each of the applicable standards and criteria in the following sections, §§ 16.32.070 through 16.32.110, General design review criteria. (Ord. 297 (part), 2004: Ord. 252 § 9.030.04, 2003)

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#### **16.32.070 General design review criteria.**

A. Applicability. The following criteria apply to design review projects except for single-family detached and duplex residential development.

B. Relationship to other standards. The criteria of this section apply in addition to other standards of this title. Where requirements conflict with standards in other sections of this title, the standards of this section shall govern, except that Happy Valley Style Design Review standards specific to the PMU district, in Sections 16.32.080 through 16.32.110 shall supersede.

C. Criteria.

1. The proposed development preserves significant natural features such as natural drainage ways, wetlands, and trees outside the construction area as defined in Section 16.20.090, to the maximum extent feasible, and conforms to the provisions of Sections 16.16.270 and 16.16.290;
2. Phased projects shall be designed to the greatest degree possible so that each phase, in and of itself, is complete in its functional, traffic, parking, visual, drainage and landscaping aspects;
3. Where appropriate, the design includes a parking and circulation system that includes a pedestrian and vehicular orientation including separate service area(s) for delivery of goods;
4. The location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible, with the consideration given to increased setbacks, building heights, shared parking, common driveways and other similar considerations;
5. That there is desirable, efficient and functional interrelationship among buildings, building entrances, existing and proposed transit stops, transit facilities and routes, parking, loading area, circulation, open spaces, landscaping and related activities and uses on the site;
6. Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage;
7. The proposed development meets all other applicable provisions of this land development ordinance;
8. The proposed development can be adequately served by level 1 services;
9. Provide safe pathways for pedestrians to move from parking areas to building entrances;
10. All building exterior improvements approved through the design review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to the original approval through the design review process;
11. A landscape plan shall be approved consistent with design standards in Sections 16.50 in a manner that will assure the maintenance and visual integrity of the site;

12. All plans shall comply with the purpose statement in Section 16.32.010. (Ord. 297 (part), 2004: Ord. 252 § 9.040, 2003)

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#### **16.32.080 Happy Valley Style design review standards.**

A. Purpose. The purpose of the Happy Valley Style design review standards is to guide building siting and design and to promote a comprehensive identity for the Planned Mixed Use (PMU) district through the application of the Happy Valley style (Appendix 16.32) and the standards of this section so that:

1. The location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible with each other, with consideration given to increased setbacks, building heights, shared parking, common driveways and other similar design considerations; and,
2. That there are interrelationships among buildings, building entrances, existing and proposed transit stops, transit facilities and routes, parking and loading areas, vehicular and pedestrian circulation, open spaces, landscaping and related activities and uses on the site.

B. Relationship to other standards. The standards of this section apply in addition to other standards of this title. Where standards in this section conflict with standards in other sections of this Code the standards of this section shall govern.

C. Applicability.

1. The standards of this section apply to all development in the Planned Mixed Use (PMU) District (unless exempted, below).
2. Exemptions. Residential dwellings are exempt from the standards of Section 16.32.080. However, single-use developments within the MUR districts (see Section 16.32.100), including single-family attached and/or multi-family dwellings are encouraged to utilize the Happy Valley Design Standards.

D. Summary and Location of the Happy Valley Style.

The Happy Valley Style will create a unified and distinctive visual identity for the Planned Mixed Use (PMU) development district by incorporating elements documented in Appendix 16.32, Happy Valley Style Documentation.

The Happy Valley Style promotes a residential character for projects by drawing on features from certain historical architectural styles as well as through the use of complex massing and varied rooflines. Materials of the Happy Valley Style draw on the Pacific Northwest's natural resource heritage. Equally important to incorporating a residential character, the Happy Valley Style also promotes a pedestrian friendly environment, using façade design that creates a storefront appearance at the ground level. The overall development pattern should contribute to a sense of arrival and departure to and from the Town Center area of the PMU. Happy Valley's unique topography and natural features should be incorporated into project design where feasible.

While it is influenced by historic architectural styles, the goal of the Happy Valley Style is not a literal replication of historic residential buildings, but appropriate contemporary interpretation of time-tested and proven design principles. The Happy Valley Style is also flexible enough to allow for variety,

acknowledging different needs and preferences of various uses. Projects do not need to include all features that make up the Happy Valley Style. However, projects should reflect the Style's characteristic elements in varying combinations. (Ord. 297 (part), 2004)



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#### **16.32.090 Standards.**

##### A. Definitions.

1. "Building frontage" means the front façade of a building facing a public or private street, or an access drive more than two hundred (200) feet in length.
2. "Maximum setback" means the maximum distance between a building or other development and a property line which abuts a public street, or to the nearest improved edge of a private street, access drive, or drive aisle.
3. "Access drive" or "accessway" means an improved internal street within a commercial development that provides vehicular access to a commercial complex or parking area, typically bordered by structures.
4. "Drive aisle" means an internal vehicular drive within a commercial complex parking lot, typically bordered by parking spaces.

##### B. Building Siting and Design Standards and Characteristics.

1. Happy Valley Style Required. Buildings shall be designed using building design elements of the Happy Valley Style to create distinctive buildings with richly textured, visually engaging facades and that are pedestrian friendly (see Appendix 16.32).
2. Complex Massing Required. New buildings shall use massing characteristic of the Happy Valley Style and asymmetrical composition to avoid the monolithic expanse of frontages and roof lines and break up building sections using elements including variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roof line, materials, color, or textures. (See Element 2, Appendix 16.32)
3. Pedestrian Oriented Siting. In order to orient buildings to the pedestrians walking on the pedestrian network and to activate the pedestrian environment and emphasize pedestrian movements, development shall meet the following standards:
  - a. Commercial buildings. At least fifty (50%) percent of the building frontage must meet the maximum setback of six feet from a property line which abuts a public street, or the nearest improved edge of a private street or access drive. However, in scenarios involving multiple frontages, the developer shall have the option to designate and orient the front, side and rear façades of a structure. In no case shall buildings be required to have dual front facades.
  - b. On sites where public or private streets, or access drives more than two hundred (200) feet in length intersect, the building must meet the maximum setback requirements of paragraph a above on at least two of the intersecting streets.
  - c. The requirement for building frontage on multiple streets in paragraph b above shall apply first to intersections of public streets, and second to intersections of public and private streets. Where these

specific combinations of intersections do not exist, the applicant may select the intersection for the two required building frontages.

d. The placement of pedestrian amenities within the maximum setback requirements of paragraph a above, including, but not limited to, seating areas, water features, and plazas measuring a minimum of five hundred (500) square feet, and not to exceed one thousand (1,000) square feet, may count toward the requirements of this section as alternatives to the placement of building frontage within the maximum setback area. Plazas shall include construction materials that differ from the surrounding sidewalk, and shall be approved by the design review board. Materials include (but are not limited to), paving bricks, stamped concrete, etc.

#### 4. Street Corners.

a. Where development is proposed on a corner lot, buildings shall be located to preserve or create strong building edges at public street corners (See Element 5, Appendix 16.32).

b. Buildings located on street corners shall be designed to compliment and be compatible with other corner buildings at the same intersection by repeating or echoing the same pattern of corner treatment by creating similar focal points such as entries, towers, material or window elements, signage, etc.

c. Reinforce street corners by repeating facade elements such as signs, awnings and window and wall treatments on both sides of the corner.

5. Roof Forms. Roof forms shall promote architectural diversity and interest, preferably through the use or appearance of gable and hipped roof forms. Flat roofed buildings without articulation shall only be allowed pursuant to Section 16.32.110, Exceptions. (See Element 3, Appendix 16.32). Roof line offsets shall be provided at intervals of seventy-five (75) feet or less, to create variety to the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum eight-foot variation either vertically from the gutter line or horizontally.

#### 6. Building Height and Number of Stories.

a. One story construction shall have a minimum height of twenty-two (22) feet at the public or private street side building edge.

b. Buildings located on public street corners shall contain an architectural element at least thirty-four (34) feet or two structural stories in height:

i. Two story building elements include but are not limited to:

- a) Tower;
- b) Enclosed porch;
- c) Entrance pavilion;

#### 7. Entrances.

a. To encourage increased pedestrian density on public and private streets and sidewalks, primary building entrances should be oriented to, or be at an angle no more than forty-five (45) degrees from the street (public or private) or access driveway greater than two hundred (200) feet in length, to the maximum extent practicable. For multi-tenanted buildings or buildings with multiple entrances, or both, only one primary entrance must comply with this standard. In addition, for buildings with multiple frontages, only one primary entrance on one building frontage must comply with this standard (see Element 5, Appendix 16.32).

b. Primary building entrances shall be architecturally emphasized.

8. Storefront Appearance. Buildings fronting on public or private streets or an access driveway more than two hundred (200) feet in length shall create a storefront appearance on the ground floor by implementing the following standards:

a) Changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals of about forty (40) feet; and

b) Ground Floor Windows. To avoid blank walls and create a storefront appearance at the ground level, exterior building walls facing a public or private street or an access driveway greater than two hundred (200) feet in length shall incorporate ground floor windows.

i. Required window areas. Windows must be a minimum of forty (40%) percent of the length and twenty (20%) percent of the ground level wall area. Ground level walls include all exterior walls from three feet above finished grade up to nine feet above the finished grade.

ii. Qualifying window features. Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.

9. Materials. Building materials shall reflect the Happy Valley Style. (See Element 4, Appendix 16.32).

a. Primary Materials. A "primary material" is the predominant building material that covers a minimum of sixty (60%) percent of the building's exterior walls. Primary materials are:

i. Masonry, which includes natural and natural-looking stone, and rusticated brick or concrete blocks that are residential in character and appearance;

ii. Wood (siding or shingles);

iii. Glass.

b. Secondary Materials. A "secondary material" is not the predominant building material. Any one secondary material shall not cover more than forty (40%) percent of the building's exterior walls. Secondary building materials are:

i. Glass;

ii. Typical commercial-grade stucco;

iii. Typical commercial-grade brick;

iv. Steel.

c. Multiple-story buildings. When buildings have two or more stories, the material used at the ground level shall differ from that used at upper levels in order to create a clear distinction between the ground and upper levels.

d. Roof. New buildings or substantial remodeling that involve modifications to the roof shall use the following roofing materials:

i. Slate, tile, shakes or wood shingles, or synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.

ii. If a new or remodeled building utilizes a flat roof, materials that will not cause roof repairs (patching) to be readily visible.

e. Prohibited Materials. The following exterior building materials or finishes are prohibited:

i. Plastic, except when use to replicate old styles (e.g., vinyl clad windows, polyurethane moldings,

plastic columns, etc.);

ii. Metal or vinyl siding;

iii. Mirrored glass;

iv. T-111 Type plywood;

v. Corrugated metal or fiberglass;

vi. Standard form concrete block (not including split faced, colored or other block designs that mimic stone, brick or other similar masonry);

vii. Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos;

viii. Typical commercial-grade red brick, unless used as a "secondary material" (See subsection A.8. b. of this section).

#### 10. Façade Design.

a. Buildings shall include changes in relief on facades facing public or private streets or residential development for pedestrian interest and scale. Relief changes may include (see Element 5, Appendix 16.32):

i. Cornices;

ii. Bases;

iii. Fenestration;

iv. Fluted masonry;

v. Other treatments.

b. Buildings with two or more stories shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings (see Element 5, Appendix 16.32). Methods for compliance with this requirement include but are not limited to:

i. Buildings shall use the same or similar building materials and/or colors from storefront to storefront or building to building; or

ii. On two-story buildings, painting the wood elements in the first floor storefront areas white, black, dark brown, dark green or greyblue is encouraged. This color range is not intended to be an exclusive list, but is recommended to create compatibility and design strength at the ground floor storefront level while encouraging diversity with multi-tenant buildings and in large lot developments.

c. Ornamental Devices. Ornamental devices characteristic of the Happy Valley Style, such as molding, entablature and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at a thickness in proportion to the height of the wall. (See Appendix 16.32)

11. Enclosure or Screening of Mechanical Equipment. Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible or screened by a site obscuring fence or landscaping. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.

12. Awnings. Buildings shall provide awnings or canopies for weather protection extending six feet from window walls (see Appendix 16.32). Awnings may have a front valance.

13. Outdoor Relationships. New or substantially remodeled buildings shall be designed to open up to outdoor seating and display areas that are intended to be accessory to an indoor use, such as a restaurant or cafe.

C. Additional Landscaping and Site Design Requirements. All developments subject to this section shall comply with the following landscape and site design requirements.

1. Street Furniture and Lighting. New and substantially remodeled buildings shall incorporate street furniture and lighting within the public right-of-way and in private areas open to public pedestrian activity (see "Street Furniture Examples" Appendix 16.32).

2. Street Trees. Street trees shall be required to be installed in compliance with Section 16.20.100, Landscaping, Street Trees and Buffering, as a condition of approval.

3. Gates and Hangers. Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.

4. Protecting Pedestrians. In areas of potential vehicle/pedestrian conflict, street furniture or bollards (see Appendix 16.32 for examples) shall be used to help create a "protected zone" for the pedestrian.

5. Landscape Design.

a. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.

b. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.

c. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.

d. Drinking fountains, display windows or other street furniture shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.

D. Additional Parking Requirements. Parking shall be designed to provide adequate, but not excessive, space, while preserving and enhancing the village character of Happy Valley, through compliance with the following criteria.

1. Number of Spaces. Parking shall be designed to provide adequate, but not excessive, space.

a. The number of parking spaces required in the PMU district under Section 16.13.050, may be modified as follows:

i. High turnover eating or drinking establishments such as coffee shops, ice cream parlors and "take-and-bake" food services may vary from the parking requirements for restaurants by providing evidence that demonstrates the short term nature of their employee and patron parking needs. In no case, however, shall parking be reduced below the number of spaces that would be required for an equal size retail store.

ii. Retail uses within one thousand (1,000) feet of one hundred (100) or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required.

b. Employee and Patron Parking Restrictions. Employee and patron parking shall be restricted to

available parking within the PMU district as follows:

- i. On-site parking;
- ii. Owner or easement parking for patrons within five hundred (500) feet of the business site;
- iii. Owned or easement parking for employees within one thousand (1,000) feet of the business site;
- iv. On street parking along the property frontage.

E. Parking Structures. A proposed parking structure or garage shall comply with the following design standards:

1. Retail storefronts at the ground level of parking structures shall be located at the periphery of parking areas and structures. The street side of residential parking structures may contain facilities or services for residents, such as laundry rooms, lobbies, or exercise rooms;
2. Building materials shall compliment abutting building materials;
3. In cases where a parking structure extends to the periphery of a site, the design of the structure shall reflect the massing, fenestration and detailing of adjacent and abutting buildings;
4. Architectural elements such as a frieze, cornice, trellis or other device, shall be continued from a residential portion of the building onto a parking structure (See Appendix 16.32);
5. Entries shall be designed to be subordinate to the pedestrian entry in scale and detailing. If possible, parking structure entries shall be located away from the street, to the side or rear of the building;
6. If possible, parking structures should be designed so that portions of the parking structure decks are used for landscaping or entry courts to abutting buildings;
7. Parking structures shall be detailed at ground level in a manner similar to adjacent or abutting buildings in order to create a strong/emphasized base.

F. Street, Alley and Sidewalk Design. Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing the character of the PMU through compliance with the following design standards. These standards shall apply in addition to any other city requirements for street, alley or sidewalk design, located in the adopted Transportation System Plan (1998). In the event of a conflict, the provisions of this section shall control.

1. Intersection Design.
  - a. Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of Emergency Service Vehicles (e.g., Fire Trucks, ambulances), buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.
2. Sidewalks. Sidewalk design shall consider and encourage opportunities for outdoor cafes, pushcart vendors, seasonal sidewalk sales, festivals and similar uses and activities which enliven pedestrian walkways.
3. Alleys. Alleys shall be incorporated into design plans where feasible as pedestrian and vehicular accessways. (Ord. 297 (part), 2004)

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#### **16.32.100 Design review in Mixed Use Residential District (MUR).**

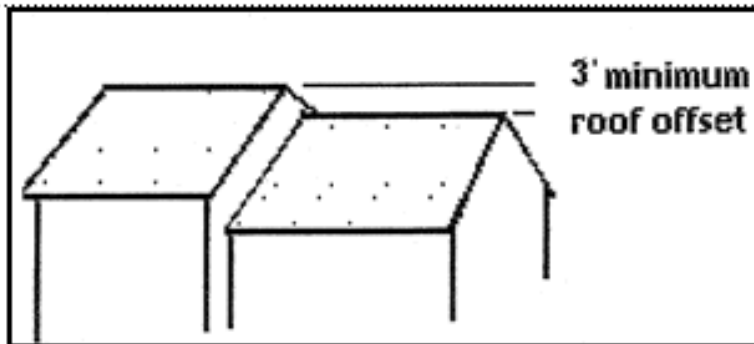
A. Purpose. The purpose of this section is to provide for additional review for developments within the MUR district. The standards are designed to reflect the desired character of the residential and commercial developments as outlined in the city of Happy Valley Rock Creek Plan and to develop residential buildings that are visually engaging and compatible with one another and with the surrounding district.

B. Standards. Multifamily residential developments shall comply with the requirements of this Chapter and the following additional requirements:

1. Roofs. Roofs shall meet the following additional requirements:

a. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with an overhang that is commensurate with the pitch of the roof and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within three hundred (300) feet have roofs similar to what is proposed.

b. Offsets or breaks in roof elevation shall be at least three or more feet in height.



2. Entries.

a. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.

b. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.

c. Multiple Units. Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.

d. Secondary entries may face parking lots or loading areas.

3. Eyes on the Street. All building elevations visible from a public or private street shall provide doors, porches, balconies, and/or windows. A minimum of sixty (60%) percent of the front (i.e. street facing) elevations and a minimum of thirty (30%) percent of side and rear building elevation, as applicable, shall

meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to the full and partial building story.

#### 4. Building Facades Design.

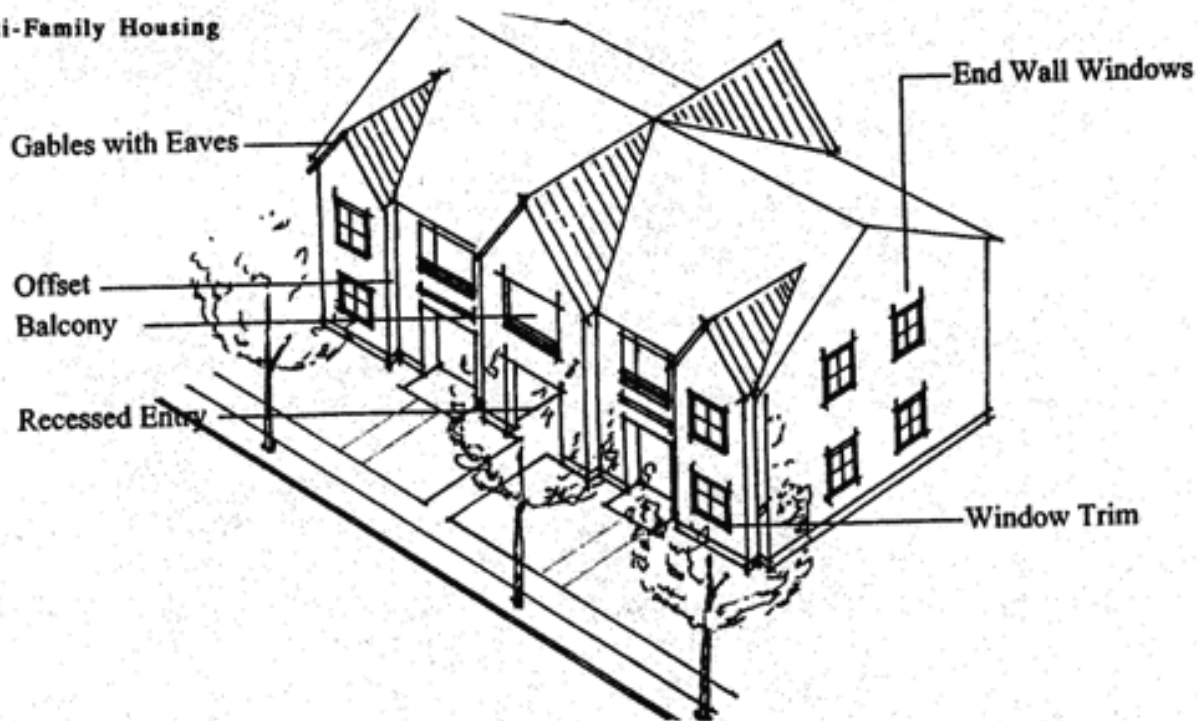
a. Detailed design. Detailed design shall be provided by using at least four to six of the following fourteen (14) architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- i. Dormers;
- ii. Gables;
- iii. Recessed entries;
- iv. Covered porch entries;
- v. Cupolas or towers;
- vi. Pillars or posts;
- vii. Eaves(minimum of six inch projection);
- viii. Offsets in building face or roof (minimum of sixteen (16) inches);
- ix. Window trip (minimum four inches wide);
- x. Bay windows;
- xi. Balconies;
- xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features);
- xiii. Decorative cornices and roof lines (e.g., for flat roofs);
- xiv. An alternative feature providing for visual relief, similar to options i to xiv.

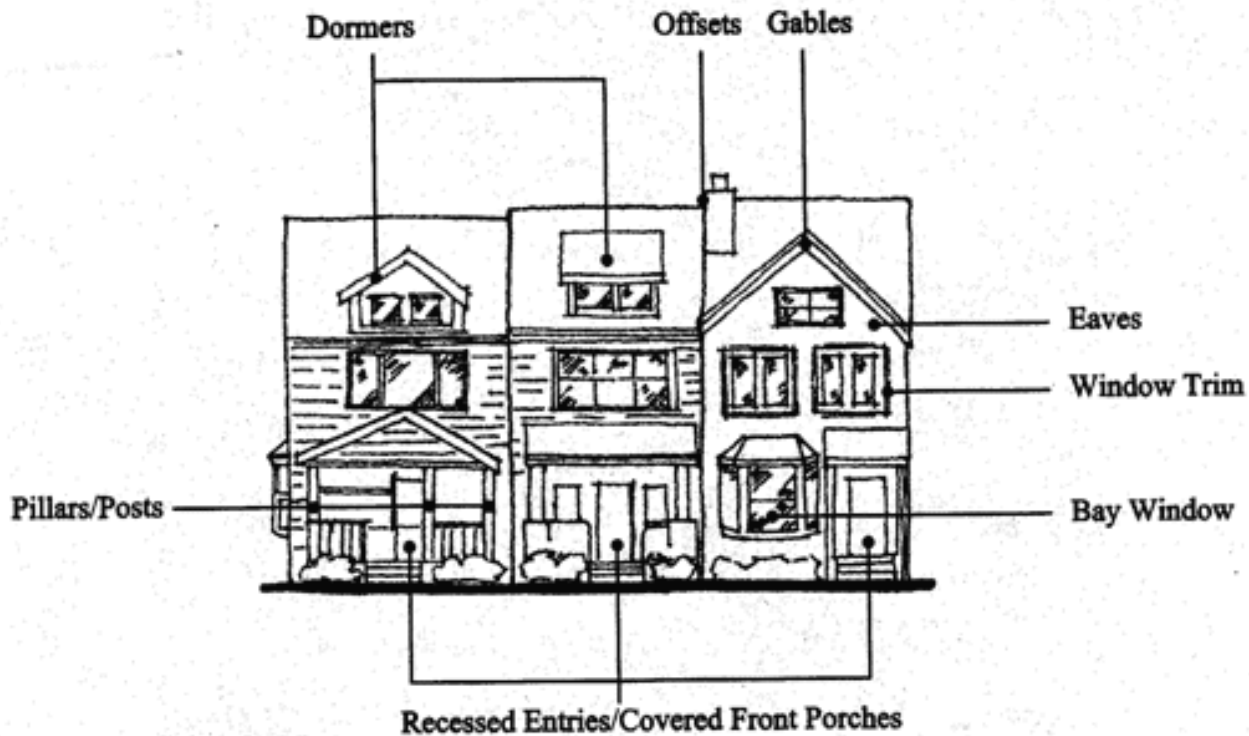
b. Residential mixed use structures. The residential portion of a mixed use structure shall be differentiated through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction. (see, Appendix 16.32)



**Multi-Family Housing**



Examples of Architectural Details — Multifamily

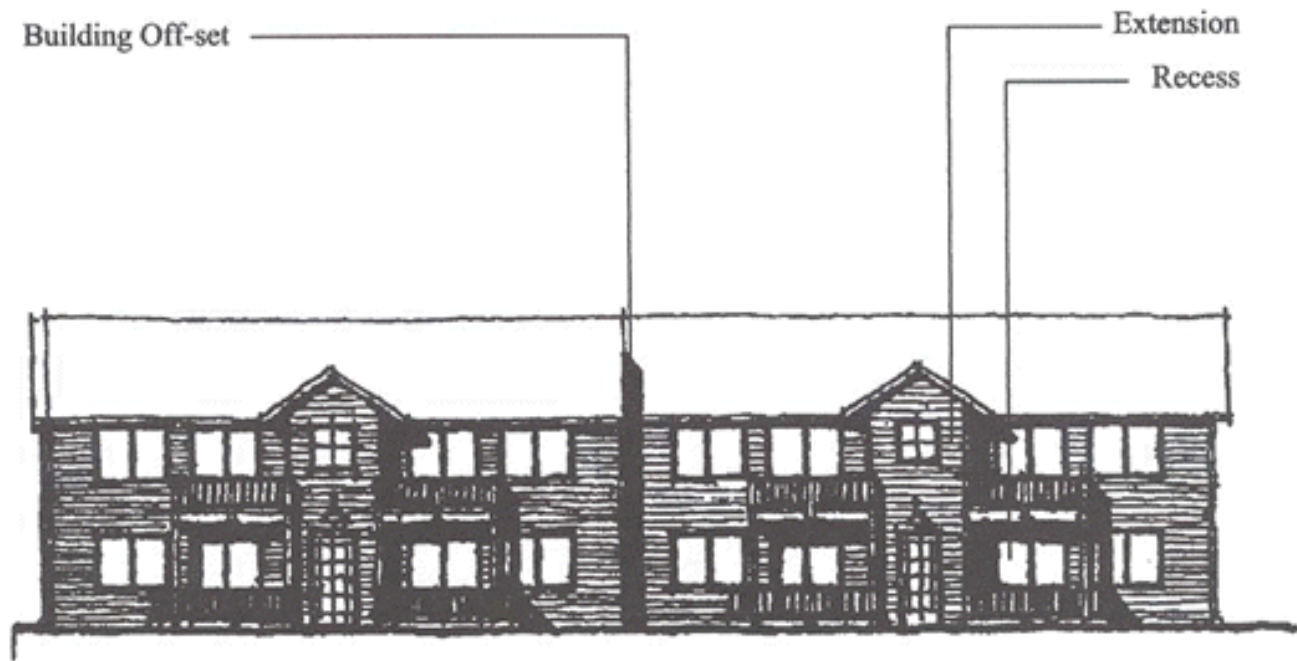


Examples of Architectural Details — Townhomes

5. Offsets. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting

residential use, offsets shall occur at a minimum of every twenty-four (24) feet by providing any two of the following:

- a. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of four feet;
- b. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of four feet, with a maximum length of an overhang not to exceed twenty-five (25) feet;
- c. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is four feet deep and at least one hundred twenty-five (125) square feet in area.



Examples of Extensions and Recesses

Examples of Extensions and Recesses

#### 6. Private Outdoor Areas.

- a. A separate outdoor area of not less than forty-eight (48) square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences, or shrubs.
- b. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level.

7. Parking Lots. Parking lots in multifamily developments shall not occupy more than fifty (50%) percent of the frontage of any public street abutting the lot or building.

8. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of the dwelling unit to accommodate garden equipment, patio furniture, barbeques, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking areas required.

9. Carports and Garages. If carports and garages are provided, the form, materials, color and construction

shall be compatible with the complex they serve.

10. Shared Outdoor Recreation Areas. Multifamily residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least fifty (50%) percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed fifteen (15%) percent in the fifty (50%) percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and quality as one and one-fourth square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

- a. Provides approximately the same accessibility to the maximum number of dwelling units possible;
- b. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room, or other activity rooms (bedrooms or bathrooms are not included);
- c. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide;
- d. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
- e. Provides a usable surface materials such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

#### 11. Safety and Security.

- a. Provide an outdoor lighting system that facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
- b. Establish a directory for apartment complexes of five or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

#### 12. Service, Delivery and Screening.

- a. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
- b. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.
- c. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
- d. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
- e. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
  - i. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.
  - ii. Evergreen plant materials that will retain their screening ability year-round and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

f. Electrical and Mechanical Equipment. On and above-ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping. (Ord. 297 (part), 2004: Ord. 252 § 9.050.05, 2003)

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**16.32.110 Exceptions to standards.**

A. The community development director may allow exceptions to Section 16.32.090 and to other Happy Valley land development ordinance provisions applicable to developments subject to this standard without the need to obtain a formal variance pursuant to Section 16.28 in one or more of the following circumstances:

1. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other nature features of the site, buildings or other existing development, utility lines and easements, etc.); or
2. The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of the Happy Valley Style Design Review Standards.

B. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application. (Ord. 297 (part), 2004)

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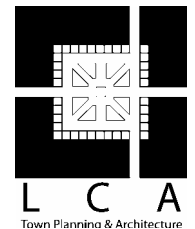
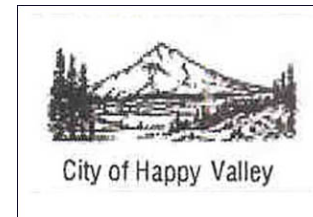
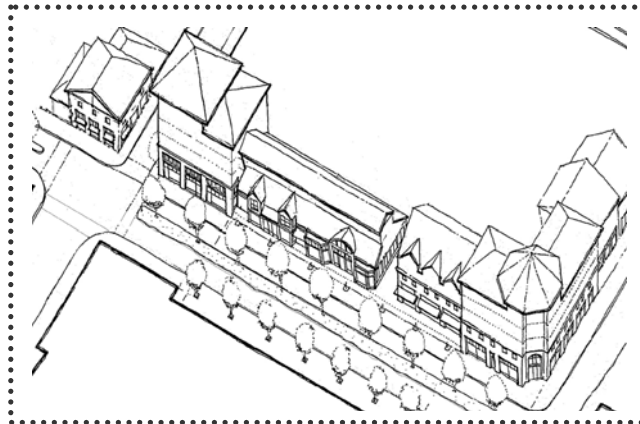
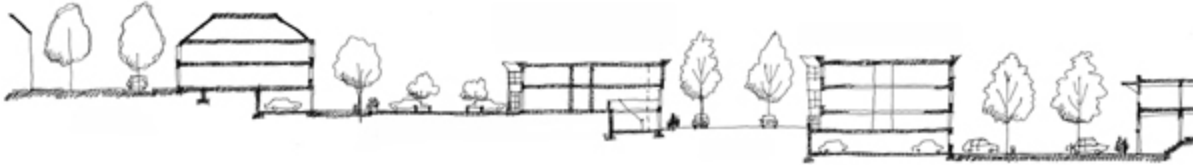
**Appendix to 16.32**

[This document](#) requires [Adobe Acrobat Reader](#).

# Happy Valley Style

August 2004 Documentation

*Appendix 16.32  
to the Land Development  
Ordinance*



# Acknowledgements

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We would like to recognize the hard work, focus and commitment that the Architectural Design Subcommittee, and Project staff brought to this product.

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**Eugene Grant**, *Mayor*

**Jeff Dulcich**, *Council President*

**Moiz Ali**, *Planning Commission Chair*

**Rob Klever**, *Planning Commission Vice Chair*

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## Purpose

The purpose of the Happy Valley Style is to guide future development in areas that are designated for high-intensity development through the promotion of certain architectural and site design elements that will contribute to a cohesive identity. These guidelines suggest that development should use cohesive architectural expression and also ensure that development is of high quality and thoughtfully designed.

The purpose of this document is to outline the Happy Valley Style. The photographs throughout are intended to illustrate how a project might meet individual elements of the Happy Valley Style. Each photographic example does not include all of the elements of the Happy Valley Style nor do they illustrate the only way that element can be met.

## Brief History of Happy Valley

Happy Valley, originally a fertile and wooded hollow surrounded by mountain ridges, was first settled in the 1850s by homesteaders. The first houses in Happy Valley were primitive log cabins, later replaced by frame houses. Some of the

homes and barns built by homesteaders in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries are still standing. Happy Valley's City Hall is located in a replica of an 1890s home.

Access to Happy Valley was difficult in the early days. A steep dirt road leading over Mount Scott often was impassable in wet weather. The road was graveled in 1915. A second access road to the north eventually was built, now "Deardorff Road" named for one of the early settlers.



▲ Happy Valley City Hall

While all of the original homesteads have been sub-divided many times, Happy Valley has retained some of its rural character. Happy Valley's architectural history is best represented by the farmhouse and barn. Most buildings in present day Happy Valley are detached single-family homes of

various styles. The elementary school is one of the few non-residential buildings in town. The original 1890s school building was replaced in 1917. Later additions followed in the 1930s, 50s and 60s.

Commercial development in Happy Valley's vicinity, namely along Sunnyside Road to the east and west of the Planned Mixed Use (PMU) district, has a wide range of sizes and styles; from converted historic homes with small, locally owned shops to large suburban shopping centers of non-descript architecture with national tenants.

## Style Description

Projects designed in the Happy Valley Style should evoke a **residential character**, drawing on architectural features found in traditional residential architectural styles, such as gabled roofs, dormers, decorative brackets, window patterns, and porches. Historic styles that are especially appropriate include the Oregon Rustic, Craftsman, Folk, Prairie and Shingle styles.

The Happy Valley Style should also promote residential character through the use of **complex massing** and **varied rooflines** – that is, buildings should appear to be made up of multiple masses and provide a distinction between the base and upper levels.

Appropriate **materials** for the Happy Valley Style draw on the Pacific Northwest’s natural resource heritage. Natural (or natural-looking), rustic materials, such as stone and wood should be used, particularly at the base of buildings. Combinations of stone, wood, and glass are encouraged while concrete and steel may be appropriate compliments if a more contemporary expression is desired.

Equally important to incorporating a residential character, the Happy Valley Style is also **pedestrian friendly**, creating interest at the street level by emphasizing main building entrances with architectural features such as awnings and projections; including opportunities to look in and out of ground level commercial uses; and, creating strong corners. Happy Valley’s unique topography should be used to allow for parking to be located below grade and at the rear of a project where economically and technically feasible.

Features that convey a **sense of arrival and departure**, such as gateways or medians, will be developed at designated locations along Sunnyside Road so that pedestrians and motorists will know they are entering an area of significance. Finally, the Happy Valley Style encourages projects to **preserve and incorporate natural features** into project design.

While it is influenced by historic architectural styles, the Happy Valley Style is not meant to achieve a literal replication of historic buildings, but an appropriate contemporary interpretation of these design principles.

The Happy Valley Style is also **flexible** enough to allow for **variety**, acknowledging different needs and preferences of various uses. Projects do not need to include all features that make up the Happy Valley Style. However, projects should reflect the Style’s characteristic elements in varying combinations.

### Elements of the Happy Valley Style

1. Residential character
2. Complex massing
3. Varied roof lines
4. Northwest materials
5. Pedestrian-friendliness
  - a. Mixed-use buildings
  - b. Façade design and storefront appearance
  - c. Building orientation and main entrance emphasis
  - d. Strong building corners
  - e. Utilizing topography to locate parking behind buildings
6. Sense of arrival and departure
7. Protect and incorporate natural resources
8. Flexibility and variety

## Elements of the Happy Valley Style

### 1. Residential Character

Happy Valley has historically been a residential community. However, in order to comply with its regional Town Center designation and the annexation of new land, more commercial and multi-family development is sure to occur in the near term.. It is important to residents and officials that new commercial and buildings carry the city's residential past forward. Therefore, one of the key elements of the Happy Valley style is **residential character**.

New development can incorporate residential character in many ways. However, the primary intent of this concept is that new buildings draw inspiration from design features common to certain historic architectural styles. Styles that were felt to be especially appropriate to draw inspiration from include the **Craftsman style, Prairie style Oregon Rustic style and Folk Style**. The descriptions of historic residential styles on the following pages is intended to provide information about the characteristic features that may be incorporated into Happy Valley Style projects, not to suggest a literal interpretation of any one style.

▶ *This commercial building's (location unknown) use of Craftsman Style elements, dormers and pitched roof evoke a residential flavor.*

▼ *The pitched, gabled roof, asymmetry, multiple scales and varied materials of the Hikade Building (Clackamas County) contribute to its residential character.*



**Craftsman Style (1905-1930)**

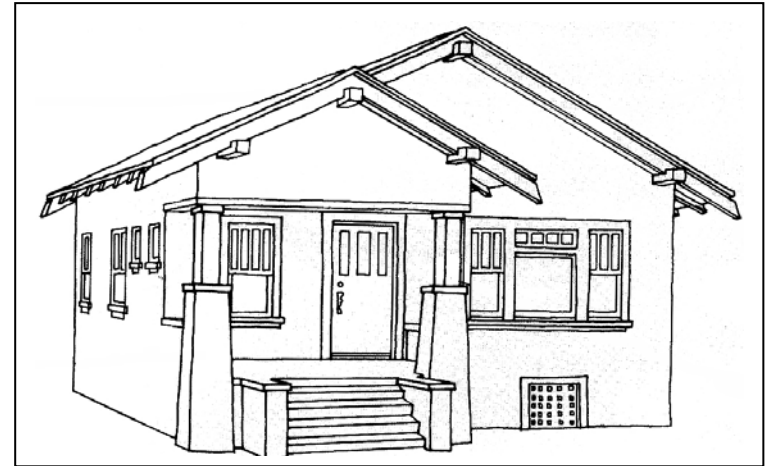
The Craftsman Style was influenced by the English Arts and Crafts movement, oriental wooden architecture and the manual arts. Pattern books and magazines helped them to become an extremely popular and fashionable style for small residences.

Characteristic elements of the Craftsman style include:

- Low pitched gabled roof with wide, unenclosed overhang
- Exposed roof rafters and beams
- Covered porches supported by thick square, often tapered columns
- Decorative brackets
- Large front windows and dormer windows
- Combination of materials

► *This mixed-use project (Bend, OR) uses Craftsman Style elements to make the building blend in with the adjacent single family detached houses.*

▼ *This drawing is an example of the Craftsman Style.*





### Oregon Rustic Style (1915-1940)

Buildings of the Oregon Rustic style were designed to harmonize with their Pacific Northwest surroundings and often used combinations of local natural stone and timber and sometimes emulated the look of Pioneer or folk architecture. Characteristic elements of the Oregon Rustic Style include:

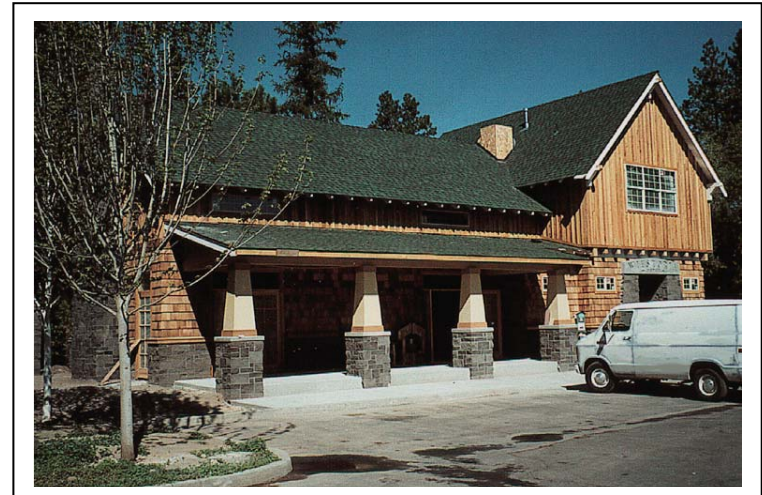
- Asymmetrical building form and massive building appearance
- Varied, expansive pitched roof line with gable or hipped roofs
- Heavy masonry base
- Rough faced stone, logs and timber
- Dormer windows
- Numerous, small windows on the upper levels with many panes.

### Victorian Folk Style (1870-1910)

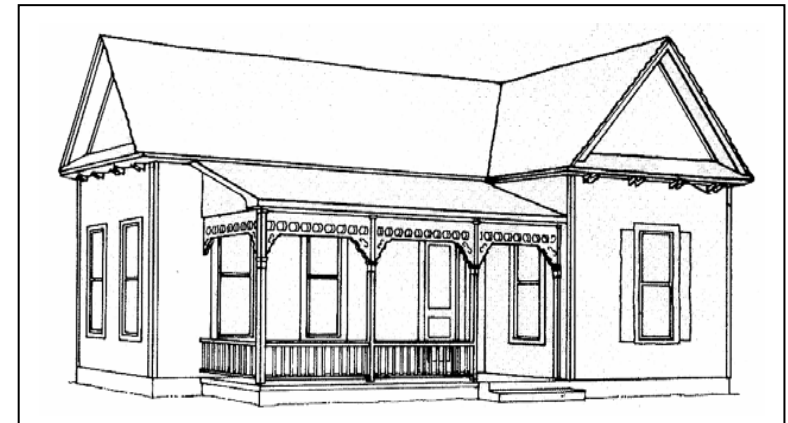
The Folk style is defined by the presence of Victorian decorative detailing on simple folk house forms which are generally much less elaborated than the styles they attempt to mimic. Primary areas of application for details are at the porch or cornice line.

Characteristic features of the Folk style include:

- Simple building form with rectangular or L-shaped footprint
- Steep pitched roof with the gable end facing the front or side of the house
- Covered porches with slender columns and sometimes decorative detailing



▲ *The Wiestoria Building (Bend, OR) is a contemporary interpretation of the Oregon Rustic Style in its use of materials and asymmetry.*

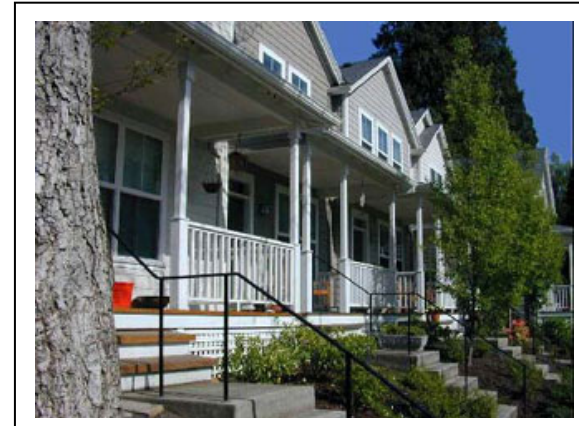


▲ *This drawing is an example of the Victorian Folk Style.*

▼ *This commercial building (Florence, OR) features elements of the Folk Style including a covered porch with slender, decorative columns and a simple building form.*



▼ *These residential townhomes (Lake Oswego) includes Folk Style detailing such as steeply pitched, gabled roofs, and covered porches with slender columns.*



### Prairie Style (1900 to 1920)

The Prairie Style originated in Chicago and flourished in America's suburbs. One vernacular subtype particularly common to Oregon is the American Foursquare.

Decorative emphasis is horizontal in nature.

Characteristic features of the Prairie style include:

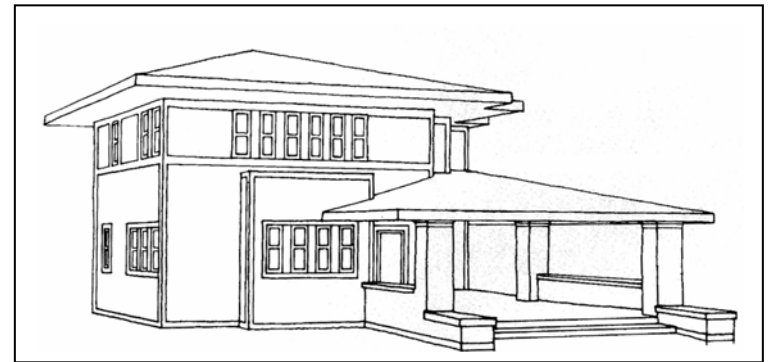
- Low or medium pitched, hipped or gable roof with wide, soffited overhang
- Roof and façade detailing emphasize horizontal lines
- Often two-story structures with lower wings or porches supported by massive, square columns
- Contrasting wood trim between stories and contrasting colors on eaves and cornice are typical of horizontal detailing.
- Windows are often grouped to achieve a horizontal band, often separated from the wall below by a distinct cornice line

### Shingle Style

The Shingle style is a relatively simple style in terms of ornamentation compared to other 19<sup>th</sup> century styles. Rather, it emphasizes a complex shape enclosed within a smooth surface to unify an irregularly shaped, asymmetrical building.

Characteristic features of the Shingle style include:

- Wall cladding of continuous wood shingles
- Often irregular, steeply pitched roof line with cross-gables and dormers
- Towers and extensive covered porches are common



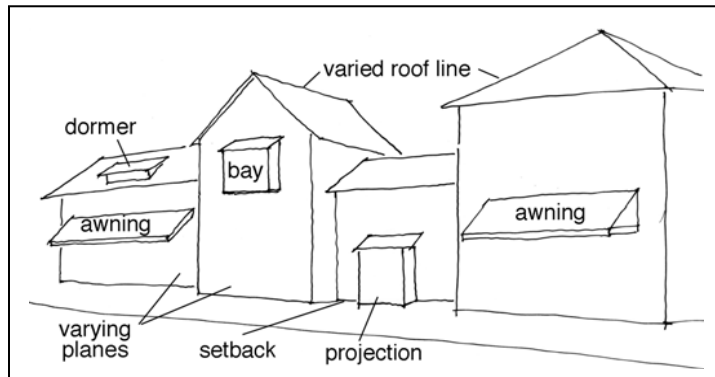
▲ This drawing shows the basic characteristics of a Prairie Style residence



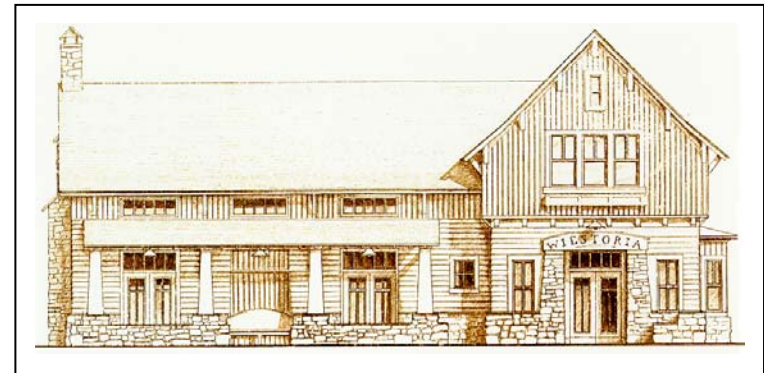
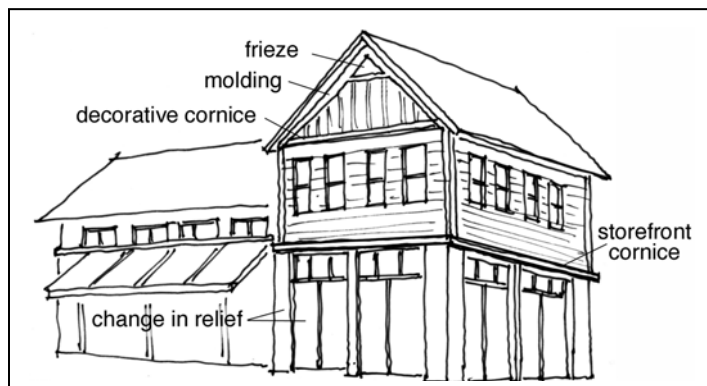
▲ This drawing is a residential example of the Shingle Style.

## 2. Complex Massing

Multiple elements can be used to achieve **complex massing in the Happy Valley Style**. Incorporating projecting and recessing elements, asymmetry or varied heights helps to break the massing of a single building down into smaller increments.



▲▼ These drawings show elements that can be used to help break down large and small buildings and achieve more complex massing, including multiple heights, asymmetry, projections and recessions and other decorative elements.



▲ The asymmetrical, I-shaped massing, and varying heights of the Wiestoria Building (Bend, OR) contribute to its complexity and interest.

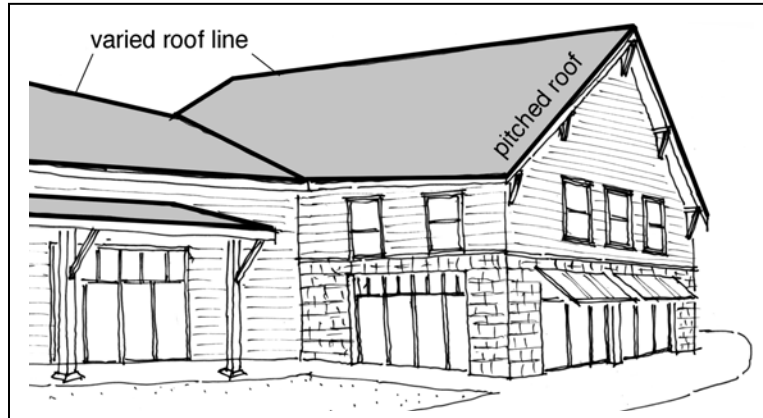


▲ This bank building (Jackson, WY) achieves complex massing through the use of multiple stories and a projecting porch.



### 3. Varied Rooflines

Buildings with **varied roof lines** create interest and help break down a project's overall scale and massing. Additionally, they contribute to a building's residential character. The preferred roof forms of the Happy Valley Style are gabled and hipped types. If buildings have flat roofs, they will create visual interest at the roofline through the use of varying heights and façade treatments.



▲ This sketch shows an example of a varied roofline, incorporating both front- and side-gabled rooflines at different levels.



▲ The Lakeview Village development (Lake Oswego, OR) is an example of a large-scale retail project that incorporates a varied roofline using steeply-pitched, front gables.



▲ This Fire Station (Jackson, WY) uses a dormer with a gabled detail and smaller front gables to achieve a varied roofline.



▲ This movie theater at Maple Tree Place (Williston, VT) is an example of a large-scale project that features a hipped roof.



▲ This townhouse development (Bend, OR) features a varied roofline, incorporating both traditional front-gable as well as hipped gables.



◀ The steeply pitched, side-gabled roofline with dormers of this office commercial building (Clackamas County) is varied, as well as interesting to look at. It is also evocative of the Craftsman Style.

#### 4. Materials

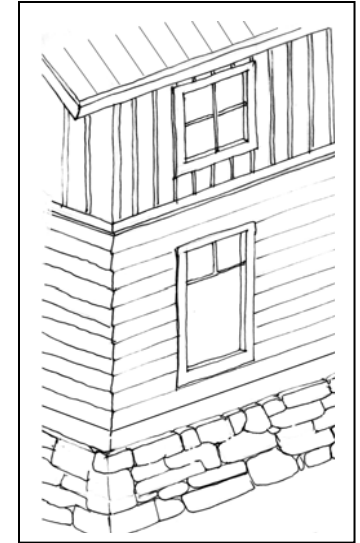
The most appropriate materials for the Happy Valley Style draw on the Pacific Northwest’s natural resource heritage. Natural (or natural-looking), rustic materials, such as stone and wood should be used as primary building materials.

Materials can help to break down building massing when heavier materials are located at the building base and lighter materials are placed the upper levels.

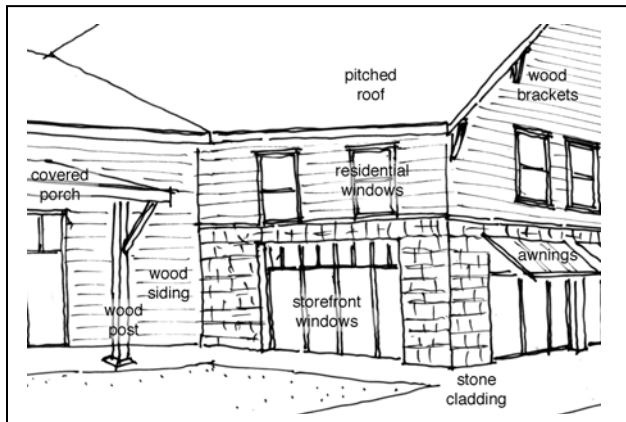
Combinations of stone, wood, and glass are encouraged while concrete and steel may be appropriate compliments if a more contemporary expression is desired. The use of red brick and stucco should be minimized, though red brick may be used as a secondary material where appropriate. The monolithic and dominating use of these materials should be avoided.



▲ Lakeview Village (Lake Oswego, OR) uses rusticated stone as the primary building material for this portion of the office retail development.



▲ The sketch illustrates how multiple materials may be incorporated into a single building, with the heavier materials at the base.



▲ The above sketch shows a building that features a mix of materials which evoke the Happy Valley Style. These include a rusticated masonry base, an upper level clad in wood siding and large, glass windows.



▶▲ The image to the right is a grocery store (Bend, OR), which uses wood as the primary building material. Above, the Happy Valley City Hall, a reproduction of a historic building, is clad in wood.





▼ The Hikade building (Clackamas County) incorporates a variety of materials which exemplify the Happy Valley Style, including stone (primary material), wood, glass and steel.



◀ The single story wing of the Hikade building (Clackamas County) is clad in wood.



▲▼ These projects (Fairview Village, OR and Maple Tree Place in VT) have been included to show examples of the "monolithic" use of red brick, which should be avoided.



## 5. Pedestrian Friendliness

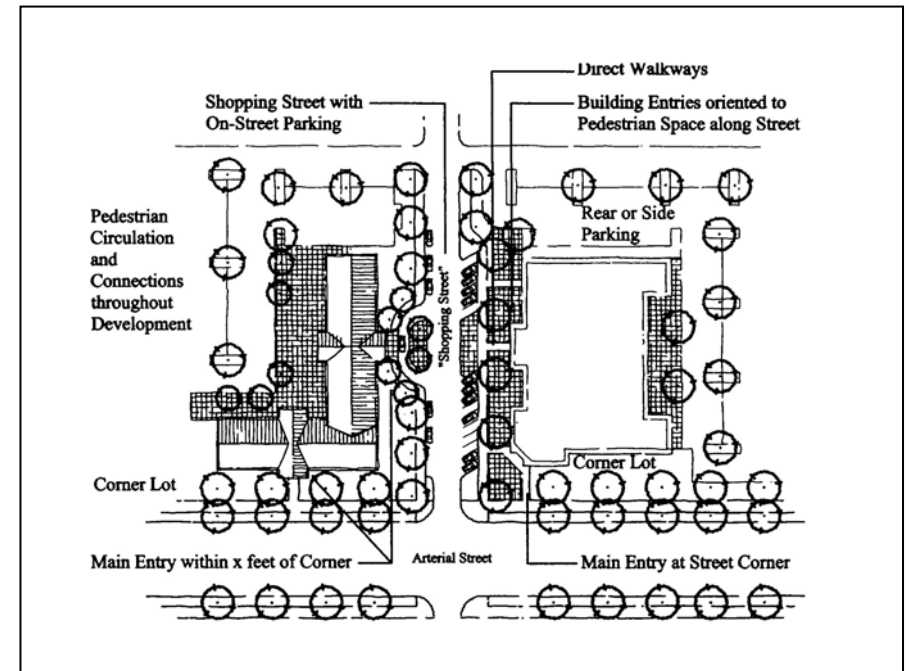
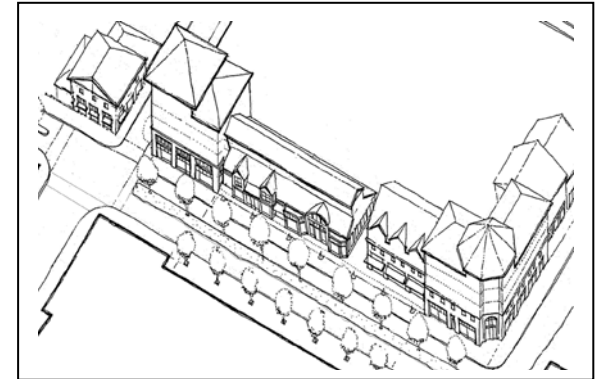
A **pedestrian friendly**, human scale environment encourages interaction between people, and connects retail and other commercial services to one another in order increase safety and provide opportunities for window shopping. Elements that contribute to a pedestrian friendly, human scaled environment include:

- a. Mixed-use buildings
- b. Creating an interesting façade design and “storefront appearance”
- c. Building orientation and main entrance emphasis
- d. Strong building corners
- e. Utilizing topography to locating parking behind buildings



▲▶ The image above (Easton, MA) illustrates a pedestrian-friendly environment facilitated by new development.

▶ The sketch to the right is an example of a large-scale, pedestrian-friendly development, containing elements that contribute to a pedestrian friendly environment, such as strong corners, entrances oriented to the street, and interest and articulation at the ground level



▲ The sketch above shows a pedestrian friendly version of a site plan for a large scale “superblock” development. There is an internal “shopping street” (that could be pedestrian only or not) onto which the buildings are oriented. Parking is located to the rear or side of the buildings front façade.

**A. Mixed Use Buildings**

**Mixed-use buildings** are one component of an active, pedestrian-oriented environment and are especially encouraged at intersections (where the maximum potential for interaction is likely to occur). Mixed use buildings in the Happy Valley style should incorporate building design features which convey the characteristics of the Happy Valley Style including but not limited to residential character, Northwest materials, and façade design.

Mixed use buildings in the Happy Valley Style can combine office and retail uses, residential and retail uses or residential and office uses.



▲▼ The sketches illustrate different (and appropriate) interpretations of “mixed-use” development. The sketch above shows a building that could have retail on the ground floor with residential units above, while the image below could have retail on the ground floor and office space above.



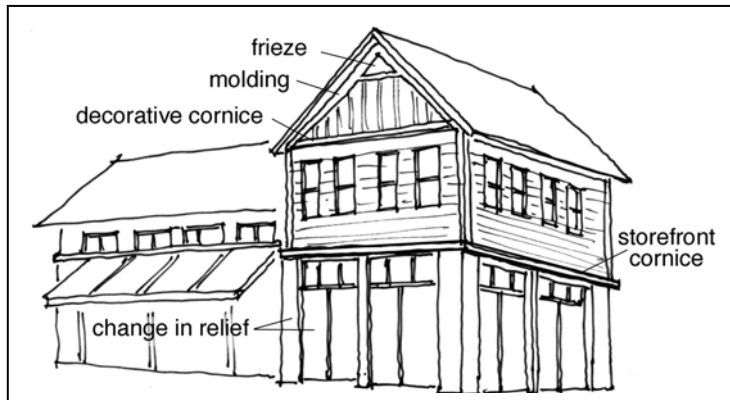
▲ The images above illustrate different types of mixed-use developments, which incorporate additional characteristics of the Happy Valley Style such as varied rooflines, complex massing, strong corners and façade articulation. The project to the left (Lake Oswego, OR) has a retail use on the ground level and office above. The project to the right (Eugene, OR) has retail on the ground level and housing above.





**B. Façade Design and Storefront Appearance**

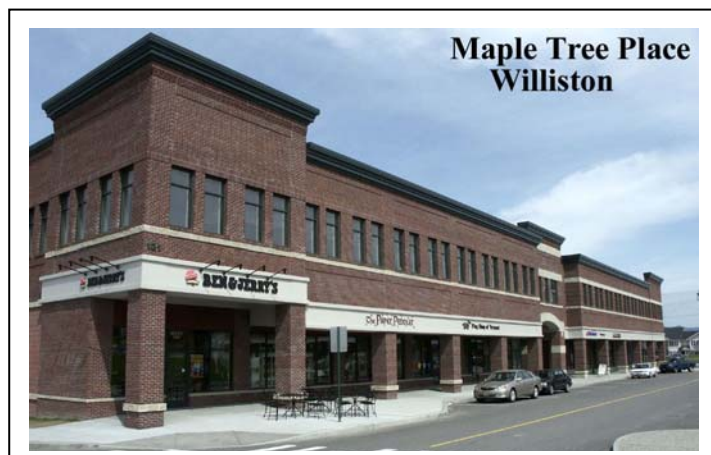
Well-articulated facades with storefront windows, awnings, arcades and other ornamental elements that break up the building mass help create an interesting experience for pedestrians. Ornamental elements may include decorative cornices, moldings and friezes at the roofline.



▲ The sketch shows an example of well-articulated building façade featuring elements such as an awnings, windows, and varying materials to create interest.



▲▼ Even though these are single story buildings, they create a sense of enclosure and interest through the use of elements that provide additional height, creating a more interesting pedestrian experience. The project above (location unknown) uses transom windows, while Gresham Station, (below, right in Gresham, OR) uses additional height and strong cornice lines.



◀▲ Though its use of materials is not consistent with the Happy Valley Style, Maple Tree Place (Williston, VT) illustrates how a large-scale project can have a well designed, pedestrian friendly façade, incorporating two stories, strong cornice and frieze lines, and weather protection through the use of a covered arcade. The commercial project above, left (Maryland) also incorporates a covered arcade at the lower level.

Commercial buildings should also strive to create a storefront appearance at the ground level. A common method for achieving storefront appearance is to change building planes, materials, window patterns or awnings at regular intervals. Large windows on the ground floor of commercial buildings also provide interest to pedestrians and allow views in and out of a building.

► This Safeway store (Downtown Portland) has large, ground floor windows on three sides. Part of the store is below grade.



▲ The sketch above shows how design elements can be applied to create a "storefront appearance".



▲ The grocery store at Belmont Dairy (Portland, OR) has large openings in the building façade that create a rhythmic pattern and provide opportunities for looking in and out.



◄ Lakeview Village (Lake Oswego, OR) uses ground floor windows and divided bays to create a storefront appearance.



▲ The Gresham Station project (Gresham, OR) uses different colored facades, varied building planes, windows and awnings to make one large building look like individual storefronts.



### C. Building Orientation and Main Entrance Emphasis

In order to create a pedestrian friendly environment, buildings should be oriented to public and private streets, or open space, not to parking lots. In addition to being celebrated through the use of architectural elements, such as awnings and transoms and other windows, a building entrance should face the street to the maximum extent practicable. Emphasis can also be achieved through recessed or projecting entrances, or raised entryways.



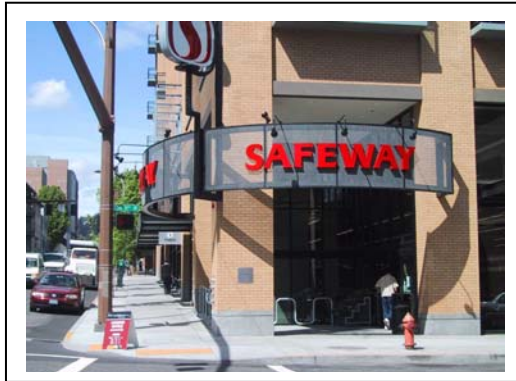
◀ The commercial shopping center at Maple Tree Place. (Williston, VT) is oriented toward a large central green with parking located behind the buildings.

▶ A main entrance at Lakeview Village is oriented to a hardscaped pedestrian plaza.

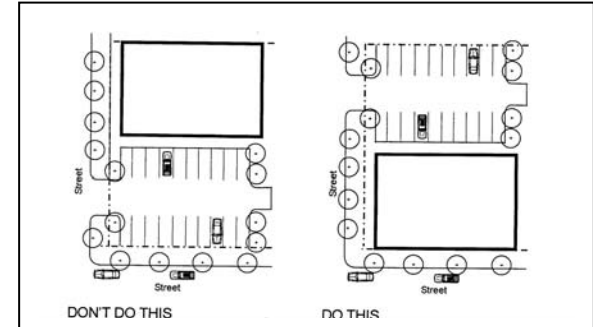


▲ This aerial view of Gresham Station (Gresham, OR) shows how the buildings have been sited to break up large parking areas and provide "internal streets" that contribute to a high-quality pedestrian environment

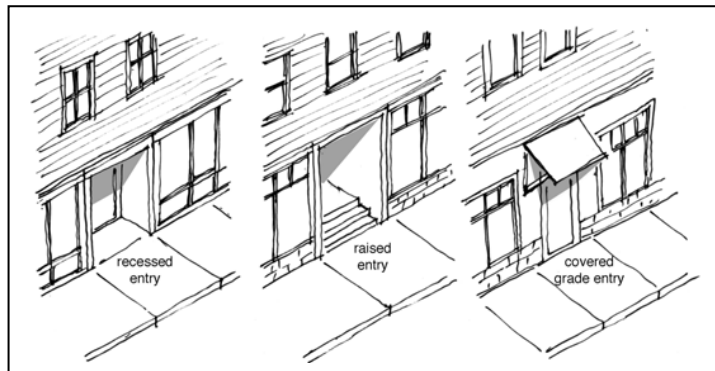




◀ This grocery store (downtown Portland) emphasizes one of its entrances by placing it at the corner and through the use of signage.



▲ This diagram shows how a buildings can be sited to break up large parking areas and keep a more pedestrian-friendly environment.



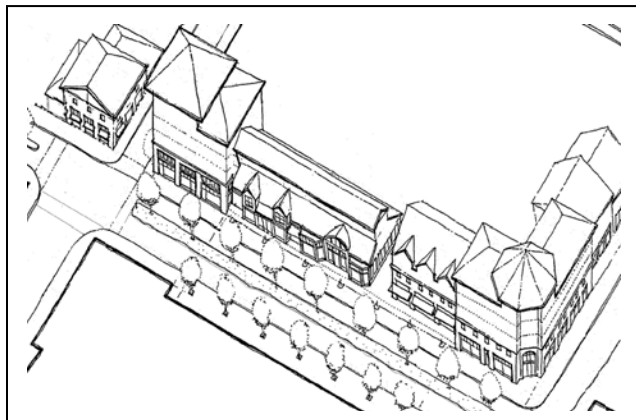
▲ Building entrances can also celebrated through the use of recessed, raised and covered entryways.



▲ This image (Lakeview Village) illustrates an example of a recessed entrance. It is further emphasized through the use of sidelight windows on either side of the door and an arched detail above. It is also oriented to the sidewalk and street.

**D. Strong Corners**

Public and private street corners are a natural location for pedestrian interaction because higher levels of pedestrian and vehicular traffic occur where streets intersect. Siting and designing buildings to create strong, enclosed corners can enhance the pedestrian experience and contribute to a sense of place. Locating architectural elements at building corners also contributes to a more interesting building design and pedestrian experience.



◀ This image illustrates how the use of two-story elements at building corners can enhance the pedestrian environment. The two story elements do not necessarily need to be functional second stories. Rather, they add visual interest and hierarchy in building design.



▲ The corner at this prime pedestrian intersection is strengthened through the location of the building entrance.



▲▼ Locating entrances at building corners is one way to create interest and pedestrian activity. Also, incorporating architectural elements (such as a column or tower - as shown in these examples) are ways to draw attention to and strengthen corners.



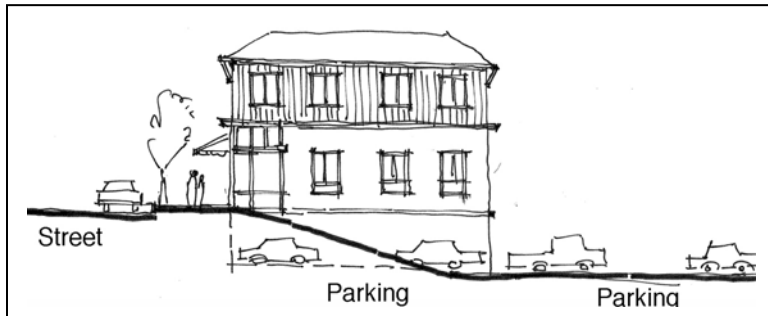
▶ The corner of this project (Columbia Shores In OR) is highlighted through a change in scale. While the majority of the project is two-story, the covered entrance is a single story with an open air patio above.





**E. Using Topography**

Where feasible, buildings should incorporate Happy Valley’s unique topography into building design, especially to accommodate parking and allow for delivery without negatively impacting pedestrian orientation and the streetscape.

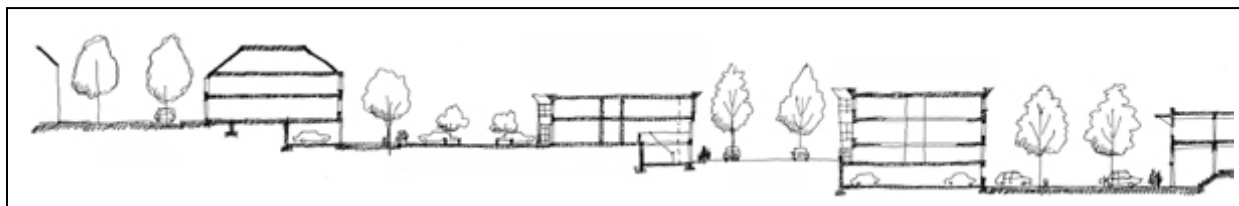


▲▼ This image shows how a building can use a site’s existing slope to provide a parking and loading access from the rear while maintaining a pedestrian friendly environment at the street level.



▲ This mixed use development (Lake Oswego, OR) incorporates the site’s existing slope and uses it to provide below-grade residential parking and create a more compact development..

▶▶ These projects both use the site’s natural topography to create a unique building design. The project to the far right is a partially below-grade Safeway grocery store (downtown Portland) and the other is a retail-office complex where the entrance is located below grade. (Image: Dan Burden).



## 7. Sense of Arrival and Departure

Building siting, orientation, architectural features and gateway elements are especially encouraged between *[insert geographic boundaries here]* on Sunnyside Road to create a sense of arrival to and departure from the designated “town center.”



▲▼ A planted median can help slow traffic, improve pedestrian crossings and tell drivers that they are entering a district or other distinct place. (Images: LCA Town Planning & Architecture)



▲ A gateway or entry marker (as illustrated above) can help slow traffic, improve pedestrian crossings and tell drivers that they are entering a place. (Image: LCA Town Planning & Architecture)



▲ In addition to gateways, a sense of arrival can be achieved by a sudden change in building height and the degree of spatial enclosure. (Image: LCA Town Planning & Architecture)



## 8. Preservation and Integration of Natural Features

Projects should incorporate and highlight existing natural features to the extent allowed by the law.



◀ *Parking lots can include large green spaces with mature trees to provide a pleasant pedestrian environment. (Photo: Dan Burden PPS)*



◀ *Transit stops can also integrate the natural landscape features (Photo: Dan Burden PPS)*



▲ *This downtown center plaza in Honolulu, Hawaii includes a water feature made from the lava rocks found throughout the surrounding landscape. (Photo: Dan Burden PPS)*



▲ *This movie theater incorporates landscaping to create a unique entrance. (Photo: Dan Burden PPS)*

### Recommendations for Street Furniture

Though the Happy Valley Style does not dictate specific designs for street furniture and lighting (beyond existing provisions in the LDO), the following images provide general examples of what might be appropriate for Happy Valley.



Benches and Street Furniture



Bike Racks



Textured Sidewalks and Crosswalks



Fountains



Tree Grates



Fountains



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**Chapter 16.36 BUILDING PERMITS**

[16.36.010 Purpose.](#)

[16.36.020 When permits are required.](#)

[16.36.030 Relationship between this Land Development Ordinance and the Uniform Building Code and other applicable codes and ordinances.](#)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.36 BUILDING PERMITS](#)

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#### **16.36.010 Purpose.**

This chapter sets forth the requirement that building permits are mandatory for any structure as required in the currently adopted edition of the Uniform Building Code and any other applicable codes and/or ordinances. The city also requires building permits for agricultural buildings pursuant to ORS 456.750 to 456.885 or as such statutes may be amended. The purpose and issuance of the building permit is to insure compliance with the Uniform Building Code and any other applicable codes and/or ordinances. The enforcement power granted to the city under this chapter will allow for a greater amount of coordination between proposed development and actual use. (Ord. 97 § 10.01, 1986)

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[Chapter 16.36 BUILDING PERMITS](#)

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**16.36.020 When permits are required.**

Building Permits. For any work, except as exempted by the Uniform Building Code but including agricultural buildings, a building permit must be obtained. No minimum or maximum value need be placed on any work to cause such work to require a permit. All work and necessary permits shall be in compliance with the Uniform Building Code and other applicable codes and ordinances. (Ord. 97 §§ 10.02, 10.021, 1986)

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[Chapter 16.36 BUILDING PERMITS](#)

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**16.36.030 Relationship between this Land Development Ordinance and the Uniform Building Code and other applicable codes and ordinances.**

- A. Purpose. No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the designated building official. Also, no building permit shall be issued except in conformity with the provisions of this chapter.
- B. Certificate of Occupancy. It is unlawful to use or occupy any building or premises until a certificate of occupancy has been issued by the designated building official stating that the proposed use of the building or land conforms to the requirements of this title and any other city conditions attached to the development or use of the building or land.
- C. Permit. Issuance of any permit or an action of approval by the city shall not require that any subsequent permits be issued or approvals granted, whether by the city or any other agency or body. (Ord. 97 §§ 10.03--10.033, 1986)

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**Chapter 16.40 AMENDMENTS TO THE COMPREHENSIVE PLAN, LAND USE MAP AND LAND DEVELOPMENT TITLE OF THIS CODE**

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[16.40.020 Initiation of a plan amendment.](#)

[16.40.030 Application and fee.](#)

[16.40.040 Public hearing and notice.](#)

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**16.40.010 Purpose.**

In the course of time, property owners, developers, official agencies and the city itself may find it necessary to consider amending the official land use regulations, including the city's comprehensive plan; specific area plans such as the Rock Creek comprehensive plan, transportation system plan, parks master plan, etc.; comprehensive plan map/zoning map and this land development title. These changes must include any necessary amendments to relevant implementing ordinances as well as the plan text and/or plan map changes. A changing plan and implementing documents reflect a recognition by the city that needs, demands and circumstances may be altered by trends, patterns, market conditions, environmental considerations and other factors. (Ord. 295 Exh. 2 (part), 2004: Ord. 97 § 11.01, 1986)

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**16.40.020 Initiation of a plan amendment.**

Any change in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the city, any resident of the city, property owners or authorized agent. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five percent (75%) of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition of change. The city may, for the purposes of revising or updating plans to comply with statewide goals, legal guidelines or other necessary criteria, initiate a change in the map or text of any plan and this land development title at any time. (Ord. 318 Att. A (part), 2005; Ord. 295 Exh. 2 (part), 2004; (Ord. 97 § 11.02, 1986)

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**16.40.030 Application and fee.**

- A. Any proposed change in the plan shall be initiated through application to the city on the approved form for a plan amendment and shall be accompanied by the appropriate fee as set forth by the city. Any change in the plan which is initiated by the city shall be set forth on the approved application form, but the fee shall be waived.
- B. The application shall be accompanied by a list, in address label format, of all owners of property located within three hundred (300) feet of the property subject to the application, according to the most recent Clackamas County assessor's records. (Ord. 97 § 11.03, 1986)



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### Chapter 16.40 AMENDMENTS TO THE COMPREHENSIVE PLAN, LAND USE MAP AND LAND DEVELOPMENT TITLE OF THIS CODE

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#### **16.40.040 Public hearing and notice.**

Any proposed change to the adopted Happy Valley land use regulations shall follow the stated scheduling, notification and procedure.

##### A. Process.

1. The first evidentiary hearing shall occur before the planning commission, who may make a recommendation to the city council to approve, approve with conditions, or deny subject requests. The city council shall be the final local review authority, and shall decide to approve, approve with conditions, or deny subject requests.

##### B. Notice.

1. All affected governmental agencies shall be notified by mail. Failure to receive such notices shall not invalidate the application, public hearing or other proceedings.

2. Continued hearings may be held on any application without giving further notice as outlined above, provided that the date and time of additional or continued hearings are given during the first public hearing or subsequent hearing on the subject preceding the additional or continued hearing.

3. Notice of all non-site-specific proposed plan text, map or implementing ordinance amendments shall be provided pursuant to the city charter and applicable state statutes.

(Ord. 295 Exh. 2 (part), 2004; Ord. 230 § 11.043, 2001; Ord. 131 § 11.041, 1995; Ord. 97 §§ 11.04—11.044, 1986)

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**16.40.041 Review criteria.**

- A. The proposed amendment is consistent with and promotes the objectives of the plan of the city;
- B. There is a demonstrated public need for a change of the specific type proposed;
- C. That need will be best served by the amendment as proposed as compared with other alternatives;
- D. The proposed amendment is consistent with the use and implementation of growth management mechanisms and capital improvement programs of the city;
- E. The proposed amendment can be implemented by this land development title and all other appropriate codes, ordinances and regulations.

The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above requirements. This burden of proof shall also apply to the city if it initiates a proposed amendment.

- G. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. (Ord. 295 Exh. 2 (part), 2004)

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**16.40.042 Filing requirements.**

A. In order to have a complete application for any proposed text amendment, the applicant shall submit:

1. The necessary application forms, and a narrative addressing applicable comprehensive plan objectives and policies, as well as the review criteria within Section 16.40.041.

B. In order to have a complete application for a proposed comprehensive plan map/zoning map or specific area map amendment, the applicant shall submit:

1. The necessary application forms, and a narrative addressing applicable Comprehensive Plan objectives and policies, as well as the review criteria within Section 16.40.041.

2. A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;

3. A traffic impact analysis prepared by a professional, Oregon-licensed traffic engineer. (Ord. 295 Exh. 2 (part), 2004)

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**16.40.050 Action of the planning commission.**

Within forty-five (45) days following the first scheduled public hearing, unless a postponement is announced, the application is tabled at the request of the applicant or the public hearing is continued, the planning commission shall make a determination on the application. Such determination may be a recommendation for approval, recommendation for approval with conditions, recommendation for denial or no recommendation. Any determination shall be based on the criteria stated in Section 16.40.040(C). The planning commission shall, at the conclusion of its public hearing, transmit a report to the city council with its recommendations. Included with that report shall be a copy of the recorded minutes of all public hearings held by the planning commission, all evidence submitted and placed in the record and any other pertinent data or information. (Ord. 97 § 11.05, 1986)

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**16.40.060 Action of the city council.**

Upon receipt of the application from the planning commission, the city council shall do the following:

- A. Date of Hearing. Set a date for a public hearing on the application;
- B. Notification. Notify property owners and residents in accordance with Section 16.40.040(B);
- C. Public Hearing. Hold a public hearing to afford interested persons and the general public an opportunity to be heard;
- D. Approval. Based on the report and all pertinent information from the planning commission, all evidence and testimony received at the public hearing and the application itself the city council shall render a final decision on the matter. This final decision shall be based on the criteria in Section 16.40.040(C) and shall be accompanied by specific findings of fact. The decision of the city council shall be final. (Ord. 97 §§ 11.06--11.064, 1986)

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**16.40.070 Limitations on renewal or refiling of application.**

When an application has been denied, no new application for the same purpose shall be filed with and accepted by the city recorder within one year of the final decision on the original application unless the planning commission, for a good cause, grants permission to do so. (Ord. 97 § 11.07, 1986)

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**16.40.080 Designation upon annexation to the city.**

Whenever any property or area is annexed to the city, the action by the city council to annex the property or area shall also include an ordinance to amend official map no. 11 to an appropriate designation of the city of Happy Valley. (Ord. 201 § 11.08, 2000: Ord. 97 § 11.08, 1986)

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**16.40.090 Amendments to the land development code.**

An amendment to any chapter or section of this title for the purpose of adding or deleting words or subjects, broadening or narrowing scope, providing direction, clarification or improvement of the development code may be initiated by any person or persons, including the city itself. The procedure for such action and the criteria for approval or denial of such action shall be in accordance with Sections 16.40.030, 16.40.040, 16.40.050 and 16.40.060 of this chapter. (Ord. 97 § 11.09, 1986)



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**16.40.100 Annexation to the existing city.**

For any proposed annexation to the city, application shall be made directly to the city of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the city shall schedule an informal review at the next regularly scheduled meeting of the planning commission. At its next regularly scheduled meeting, the planning commission shall review the annexation application and formulate the city's response. That response shall be reviewed by the city council at its next regularly scheduled meeting. (Ord. 201 § 11.10, 2000: Ord. 97 § 11.10, 1986)

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**16.40.110 Deannexation from the existing city.**

For any proposed deannexation from the city, application shall be made directly to the city of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form the city shall schedule an informal review at the next regularly scheduled meeting of the planning commission. At its next regularly scheduled meeting, the planning commission shall review the deannexation application and formulate the city's response. That response shall be reviewed by the city council at its next available regularly scheduled meeting. (Ord. 201 § 11.20, 2000: Ord. 97 § 11.20, 1986)

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**Chapter 16.44 MANUFACTURED HOME STANDARDS**

[16.44.010 Definitions.](#)

[16.44.020 Minimum standards for a manufactured home on an individual lot as a single-family dwelling.](#)

[16.44.030 Mobilehome parks.](#)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.44 MANUFACTURED HOME STANDARDS](#)

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#### **16.44.010 Definitions.**

For the purposes of this chapter, the following terms have the following meanings:

"Alteration of manufactured home" means any change, addition, replacement, modification or removal of any equipment or installation which may affect the operation, construction, occupancy or functioning of a manufactured home.

"Approved" means acceptable to the Oregon Department of Commerce as the result of investigation, calculations, and the application of accepted principles or tests by recognized testing agencies when such agency and its testing methods and standards have been approved by the Oregon Department of Commerce.

"Equipment" means all materials, appliances, devices, fixtures, fittings and apparatus used in the construction, plumbing, mechanical and electrical systems of manufactured homes.

"Insignia" means a label issued by the Oregon state Department of Commerce to indicate compliance in the manufacture of a manufactured home with the regulations established by the Oregon state Department of Commerce.

"Installation" means all arrangements and methods of construction, as well as fire safety, plumbing, heat-producing and electrical systems used in manufactured homes except where the context refers to set-up or tiedown of manufactured homes and accessory buildings or structures.

"Length of a manufactured home" means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions or other attachments.

Manufactured Home. (See Manufactured Home, Section 16.04.080).

"Manufactured home accessory building or structure" means any awning, portable, demountable or permanent cabana, carport, porch, skirting or steps established for use of the occupant of the manufactured home and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured home for structural support.

"Ramada" means a stationary structure having a roof extending over a manufactured home which is used principally for protection from sun and rain.

"Tiedown" means any device designed to anchor a manufactured home securely to the ground.

"Width of a manufactured home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions or other attachments. (Ord. 97 § 12.01, 1986)



## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.44 MANUFACTURED HOME STANDARDS

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#### **16.44.020 Minimum standards for a manufactured home on an individual lot as a single-family dwelling.**

- A. The manufactured home shall be multisectional (double wide or wider) and enclose a space of not less than one thousand (1,000) square feet (exclusive of the garage) of living space, i.e., total of exterior dimensions of all habitable rooms, as determined by measurement of the length and width of the manufactured home.
- B. Manufactured homes shall be allowed on any residential zone of the city.
- C. The manufactured home, except for those manufactured homes located in an FU-10 zone, shall be placed on a poured in place, concrete backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above grade. Manufactured homes in an FU-10 zone must meet this requirement within two years after the property on which the home is sited becomes less than two acres in size.
- D. The manufactured home shall have a pitched roof which shall have a minimum slope of two and one-half to three feet in height for each twelve (12) feet in width.
- E. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roofing material commonly used on residential dwellings used within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city as the local permit approval authority.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- G. The manufactured home, except for those manufactured homes located in an FU-10 zone, shall have a garage constructed with exterior materials matching the manufactured home's exterior material. Carports are not allowed because garages are consistent with the predominant construction of immediately surrounding dwellings in all residential zoning districts in the city. Manufactured homes in an FU-10 zone must meet this requirement within two years after the property on which the home is sited becomes less than two acres in size.
- H. A manufactured home and the lot upon which it is to be sited are subject to any development standard, architectural requirement and minimum size requirement to which conventional single-family residential dwellings on the same lot would be subject which also includes specific design, landscaping, and exterior siding and roofing requirements.
- I. A manufactured home shall not be sited in any area designated as an historic district or residential land immediately adjacent to an historic landmark.
- J. All manufactured homes (except for manufactured homes located within a manufactured homes

subdivision or in mobilehome parks) shall utilize at least two of the following design features:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Attached garage;
6. Window shutters;
7. Off-sets on building face or roof (minimum twelve (12) inches);
8. Gables;
9. Covered porch entry;
10. Pillars or posts;
11. Eaves (minimum six inches);
12. Tile or shake roof;
13. Horizontal lap siding;
14. A roof with a pitch greater than nominal 3-12.

K. If the manufactured home is removed from its foundation, the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home, and permanently disconnect sewer, water and other utilities unless otherwise authorized by the city. In the event the owner fails to accomplish such work within thirty (30) days from the date on which the manufactured home is moved from its foundation, the city may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, on the original foundation as modified, or by another approved manufactured home within thirty (30) days of the original manufactured home's removal. (Ord. 201 § 12.02, 2000; Ord. 127 § 12.02, 1994; Ord. 97 § 12.02, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.44 MANUFACTURED HOME STANDARDS

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#### **16.44.030 Mobilehome parks.**

- A. The standards of this section supersede the standards of Section 16.16.220(D) of the LDO in reviewing applications for mobilehome parks.
- B. All standards of Section 16.44.020 apply to manufactured homes in a mobilehome park.
- C. Density and Setbacks. The maximum density allowed in a mobilehome park shall not exceed that of the underlying zone. A minimum twenty (20) feet distance shall be maintained between mobilehomes.
- D. Landscaping and Screening. Except as required for vision clearance, a landscaped area of at least twenty (20) feet in depth which attains a height of at least five feet within two growing seasons is required along the perimeter of the park. A fence may be provided in addition to the required perimeter landscaping, its placement to be approved by the planning commission. In addition, all open spaces not occupied by structures, mobilehomes or paved areas, shall be planted or otherwise landscaped and shall be properly maintained.
- E. Roadways and Circulation. All private roads in mobilehome parks shall be a minimum of twenty (20) feet in width if parking is prohibited, or thirty (30) feet if on-street parking is allowed. All private roads must meet city standards for construction and must be paved and named. An internal walkway system must connect each mobilehome with the street system and park facilities. Circulation plans for mobilehome parks must be approved by the fire district.
- F. Fire Hydrants. An adequate number of fire hydrants shall be provided within the mobilehome park, so that no mobilehome space or structure within the park shall be more than four hundred (400) feet measured along a roadway from a hydrant.
- G. Street Lights. Standard street lights shall conform to the standards of the lighting district.
- H. Numbering of Spaces. Each mobilehome space shall be legibly numbered so that it may be easily found, in a manner to be approved by emergency services. A site plan showing the general layout of the park, the location of each numbered space and all roadways shall be furnished to the fire district and to the city.
- I. Recreational Vehicle Parking Area. Each mobilehome park shall have a separate paved area designated for the parking and storage of recreational vehicles, campers, boats, trailers, etc. Such area shall be enclosed by a sight-obscuring fence. There shall be at least one recreational vehicle parking space for each six mobilehome spaces in the mobilehome park.
- J. Recreation Area. A minimum of five thousand (5,000) square feet, or two hundred (200) square feet per mobilehome space, whichever is greater, shall be provided and maintained by the mobilehome park owner for a recreation area.



K. Accessory Structures. Other structures within the mobilehome park for uses accessory to the park such as a service building, laundry area, recreational facilities, manager's office, etc., are permitted provided they do not draw trade from outside the park. All such accessory structures shall be located a minimum of twenty (20) feet from any mobilehome and from other structures, roadways and property lines.

L. Parking. A minimum of one paved parking space per unit is required.

M. Patio. Each mobilehome space shall have a patio or deck of concrete, brick, stone or wood at least one hundred twenty (120) square feet in size.

N. Utility Connections. Each mobilehome shall be equipped with connections for running water, electricity and sanitary sewage disposal. All utility connections shall be located underground. (Ord. 97 § 12.03, 1986)

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**Chapter 16.45 AFFORDABLE HOUSING**

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[Chapter 16.45 AFFORDABLE HOUSING](#)

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**16.45.010 Purpose.**

The purpose of this chapter is to offer incentives to developers for providing housing that is affordable to the types of households and qualifying residents identified in Section 16.45.020 (Eligibility for bonus and incentives), below. The incentives include the ability to construct up to twenty-five percent (25%) more residential dwelling units than normally allowed by the applicable Comprehensive Plan Map/Zoning Map district, and other incentives provided by this chapter. (Ord. 319 Att. A (part), 2005)

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**16.45.020 Eligibility for bonus and incentives.**

In order to be eligible for a density bonus and other incentives provided by this chapter, a proposed residential project shall:

- A. Consist of five or more dwelling units;
- B. Be designed and constructed so that at least:
  - 1. Twenty percent (20%) of the total number of proposed dwelling units are for lower income households, as defined by HUD;
  - 2. Ten percent (10%) of the total number of proposed dwelling units are for very low income households, as defined by HUD; or
  - 3. Fifty percent (50%) of the total number of proposed dwelling units are for qualifying residents (senior citizens of any income level) as determined by HUD; and
- C. Comply with all applicable provisions of this Title. (Ord. 319 Att. A (part), 2005)

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### [Chapter 16.45 AFFORDABLE HOUSING](#)

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#### **16.45.030 Types of bonuses and incentives allowed.**

A residential project that satisfies all applicable provisions of this chapter shall be entitled to the following density bonus and other incentives. If a density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this development code, the planning commission is authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled. The housing developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

A. Density Bonus. The density bonus allowed by this chapter is a permitted use within the following Planned Mixed Use (PMU) Districts: Mixed-Use Residential Multifamily Dwellings (MUR-M); Mixed-Use Residential Mixed Use Buildings (MUR-X); Mixed-Use Commercial (MUC); Mixed-Use Employment (MUE); and the Mixed-Use Employment Neighborhood Commercial subdistrict (MUE-NC). In addition, the density bonus is permitted use within the Single-Family Attached Residential District (SFA); General Commercial (GC) and Neighborhood Commercial (NC) zones; and, shall consist of either:

1. At least a twenty-five percent (25%) increase in the number of dwelling units normally allowed by the zoning district applicable to the parcel as of the date of the project land use permit application;
2. Other incentives of equivalent financial value based upon the land cost for each dwelling unit; or
3. Any combination of an increase in the number of dwelling units normally allowed by the zoning district and other incentives of financial value equivalent to a twenty-five percent (25%) increase in the number of dwelling units.

If a developer agrees to construct both twenty-five percent (25%) of the total units for persons and families of low income and ten percent of the total units for very low income households, the developer is entitled to only one density bonus, although the city may, at its discretion, grant more than one density bonus. If a developer agrees to construct less than the percentages of low or very low income housing indicated in subsection A above, the city may grant density bonuses or provide other incentives which vary from those prescribed in subsection A.

B. Other Incentives. A qualifying residential project shall be entitled to at least one of the following concessions or incentives:

1. A reduction in the parcel development standards of this development code (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements, public works improvements, and/or parking requirements);
2. Approval of a mixed-use component in conjunction with the housing project if non-residential land uses will reduce the cost of the housing project, and the non-residential land uses are compatible with the housing project and surrounding existing and planned land uses;

3. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable cost reductions;

4. A higher density bonus consisting of up to a thirty-five percent (35%) percent increase in the number of dwelling units normally allowed by the zoning district applicable to the parcel or up to a fifty percent (50%) increase if the project site is located within one-quarter mile of a commercial center with a grocery store/drug store anchor and within one-quarter mile of a transit route; and

5. A waiver or reduction of planning application fees, building permit application fees, Transportation SDC's and/or Parks SDC's. (Ord. 319 Att. A (part), 2005)

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**16.45.040 Continued availability.**

The land use permit application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of the density bonus units in the following manner:

A. Projects with City Funding — Thirty (30) Years. Projects receiving a direct financial contribution or other financial incentives from the city, or a density bonus and at least one other concession or incentive as provided by Section 16.45.030 above, shall maintain the availability of the lower income density bonus units for a minimum of thirty (30) years, and shall enter into a development agreement with the city of Happy Valley stipulating said retention. Lower income density bonus units shall mean those affordable housing units for which a density bonus or other financial incentive was granted for the project; or

B. Projects Receiving Density Bonus Only — Ten Years. Projects that receive a density bonus as the only incentive from the city shall maintain the availability of lower income density bonus units for a minimum of ten years. (Ord. 319 Att. A (part), 2005)

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**16.45.050 Location of bonus units.**

The location of density bonus units within the qualifying residential project may be at the discretion of the developer. However, the inclusionary units shall be reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality. (Ord. 319 Att. A (part), 2005)



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### [Chapter 16.45 AFFORDABLE HOUSING](#)

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#### **16.45.060 Processing of bonus and incentive requests.**

Proposed bonus and incentive requests shall be included as part of the land use application required for the residential project by this Title, including the application of all relevant criteria, particularly for road, sewer and water capacity.

A. Findings for approval. In addition to the findings required for the approval of the pertinent land use applications, the approval of the bonuses and incentives by the planning commission and/or city council shall also require the following special findings:

1. In the event that the city grants a density bonus, the project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the Comprehensive Plan;
2. In the event that the city grants a density bonus, the number of dwellings approved by the land use permit can be accommodated by existing and planned infrastructure capacities;
3. Adequate evidence exists to indicate that the development of the property in compliance with the permit would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;
4. In the event that the city does not grant at least one financial concession or incentive in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable costs or the sales price or rent for the targeted dwelling units; and,
5. There are sufficient provisions to guarantee that the dwelling units would remain affordable in the future. (Ord. 319 Att. A (part), 2005)

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**16.45.070 Priority processing of affordable housing projects**

A residential project that satisfies all applicable provisions of this chapter shall be given priority over other types of projects and permits by all city departments in the processing of land use permit and building permit applications, and in inspections of the project during the construction process. (Ord. 319 Att. A (part), 2005)

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**Chapter 16.48 ADMINISTRATIVE PROCEDURES**

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## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.48 ADMINISTRATIVE PROCEDURES

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#### **16.48.010 Procedures and administrative provisions.**

This chapter sets forth the provisions, conditions, procedures and fees for the administration and operation of the adopted Happy Valley Comprehensive Plan and this Land Development Ordinance.

A. If more than one land use approval is required for one development project, the applicant may apply for all required approvals at one time. Fees due will be the sum of application fees for each separate land use application.

B. Public Hearings.

1. Failure to raise an issue at a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-making body and the parties an opportunity to respond to the issue, precludes appeal of a land use decision from the planning commission to the city council, and from the city council to the land use board of appeals.

2. The record of the hearing shall reflect all issues raised by the public in person or in writing, as well as the response of the decision-making body to each issue.

3. Hearings may not be continued to a later date except with the written consent of the applicant, who thereby waives the right to a decision within one hundred twenty (120) days.

C. Notice of public hearings.

1. Notice of public hearings on land use applications shall be provided as required by state law.

2. The notice shall include:

a. The property address and legal description;

b. A brief description of the nature of the application and the proposed use(s) which could be authorized;

c. The decision criteria applicable to the application;

d. The date, time and place of the public hearing;

e. A statement that failure to raise an issue in person or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precluded appeal of the decision of the planning commission to the city council, and from the city council to the land use board of appeals;

f. The name of a local government representative to contact and the telephone number and address where additional information may be obtained;

g. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable review criteria, are available for inspection at no cost and will be provided at reasonable cost;

h. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost; and

i. A general explanation of the procedure for conduct of the hearing and for submission of testimony.

3. Failure of a person to receive the notice prescribed by this section shall not impair the validity of the proceedings if the local government can demonstrate by affidavit that such notice was given.

D. At the commencement of a public hearing on a land use matter, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria;

2. States that testimony and evidence must be directed towards those criteria, or other criteria in the comprehensive plan or LDO which the person believes to apply to the decision;

3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal of a decision by the planning commission to the city council and of a decision by the city council to the land use board of appeals.

E. Timelines.

1. Within ten (10) days of receipt of a land use application, the city planner shall determine the completeness of the application and notify the applicant if any information is missing. If no notice of incompleteness has been mailed, the applications will be deemed complete on the eleventh day. The one hundred twenty (120)-day time limit for processing applications required by ORS 227.178 will begin on the day the application is deemed complete.

2. A staff report will be available at least seven days before a public hearing.

3. The final public hearing before the planning commission will take place no more than eighty (80) days from the date the application is determined to be complete.

4. Staff will prepare and distribute a proposed final order no more than five days from the final public hearing.

5. The planning commission chair will sign the final order no more than ten (10) days from the final public hearing before the planning commission. (Ord. 108 (part), 1993; Ord. 97 § 13.01, 1986)

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[Chapter 16.48 ADMINISTRATIVE PROCEDURES](#)

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**16.48.020 Official action.**

All officials, departments, commissions and employees of the city vested with the authority to make decisions regarding the comprehensive plan and land development ordinance, or issue permits, certificates or licenses, shall adhere to and require conformance with all applicable sections of all plans, codes and regulations with regard to land use in the city. (Ord. 97 § 13.02, 1986)

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**16.48.030 Records.**

The records of the comprehensive plan and land development ordinance and all amendments to them shall be officially held within the office of the city recorder. All amendments to text and/or official map shall be approved or rejected by the city council and acknowledged by the mayor and attested by the city recorder. Each action that changes a district boundary shall be included on a new official map and approved by the mayor and attested by the city recorder and filed in the office of the city recorder and will be correct and binding in all cases. (Ord. 97 § 13.021, 1986)

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**16.48.040 Interpretation of this chapter.**

In interpreting and applying the provisions of this chapter, they shall be construed as the minimum requirement for all promotion of the public safety, health, peace and general welfare. It is not intended by this chapter to interfere with or annul any other covenants or agreements between private parties. However, from the effective date of the ordinance codified in this section, all divisions and development of land shall conform to this chapter. When this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger space than is imposed or required by other codes, ordinances, rules, regulations, covenants or agreements, the provisions of this chapter shall govern. (Ord. 97 § 13.03, 1986)



## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.48 ADMINISTRATIVE PROCEDURES

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#### **16.48.050 Appeals and provisions.**

A. Purpose. The purpose of this section is to establish the procedures for promptly appealing decisions rendered, or the failure to render decisions, by enforcing officers and by the planning commission or designated representative whenever such decisions, as interpretations or actions pursuant to this section, are binding upon affected parties.

B. Matters Subject to Appeal. An appeal may be taken from any decision of any official to the planning commission, and from any decision by the planning commission to city council, by any person, firm or corporation affected by such decision of such official, relative to this section. Likewise, an appeal may be taken from the failure of any such official to decide or act upon any application properly made and filed pursuant to the provisions of this section.

1. Notice of appeal shall be filed within ten (10) days from the date of signing the final order of the planning commission, or within ten (10) days from the date of signing a decision by a city official.
2. If the planning commission fails to hold a final hearing within eighty (80) days from the day the application was determined to be complete, notice of appeal to city council must be filed within ten (10) days from the eightieth day. If a city official fails to make a decision within the time frame prescribed by this section, notice of appeal to the planning commission shall be filed within ten (10) days from the date the decision was to have been made in accordance with the provisions of this section.

C. Effect of Appeal. An appeal shall stay all proceedings of the action appealed from unless the official or planning commission certifies to the city council, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case the proceedings or furtherance of action shall not be stayed otherwise than by an order which may be granted by the city council or by a court of competent jurisdiction.

D. Notice of Appeal to Planning Commission. Appeal shall be made from a decision by filing with the city recorder a notice of appeal on a form prescribed by the city, which shall include a statement of the matter contested by the appellant, and shall be accompanied by a fee as required by the city.

1. Appeal from a failure to decide shall be filed with the city recorder and shall include a copy of the application made together with a statement of the fee paid upon such application, and in such case no fee shall be required to accompany the appeal.
2. Upon receipt of the notice of appeal, the city recorder shall notify the official appealed from, who shall make the record and a report of the matter to the commission at the time of hearing the appeal.

E. Hearings on Appeals Before Planning Commission. Within forty-five (45) days of filing, the planning commission shall conduct at least one public hearing on the matter appealed, and shall afford interested persons an opportunity to be heard. The planning commission shall announce its decision on the matter appealed either at such hearing or within thirty (30) days thereafter.

F. Notice of Hearing. A notice of public hearing on matters appealed shall be provided as required by state law.

G. Notice of appeal shall be given within fifteen (15) days after such decision or within forty-five (45) days and not less than fifteen (15) days after application or notice of appeal was filed in a matter before the planning commission or appropriate and designated body or agent.

H. Notice of Appeal to City Council. Appeal shall be made from a decision of the planning commission or appropriate and designated body or agent by filing with the city recorder a notice of appeal on a form prescribed by the city and accompanied by the fee prescribed by Section 16.48.080 of this chapter.

1. Appeals from the failure of the planning commission or appropriate and designated body or agent shall be made by filing notice of appeal in the manner and form where a decision is appealed, however, no fee shall be required if the applicant appeals.

2. Upon receipt of any such notice of appeal to the city council, the city recorder shall immediately notify the city council and cause the record, decision and minutes and other pertinent information to be forwarded to the city council within five working days of the notice.

I. Hearing on Appeal Before the City Council. At a regular or special meeting of the city council after filing of the notice, and in no event more than one hundred twenty (120) days after submittal of a complete application, the city council shall conduct a public hearing on the matter appealed and shall afford interested persons an opportunity to be heard. The city council shall announce its decision at the conclusion of the hearing unless the party appealing consents to such announcement at a later time.

J. Notice of Hearing. Notice of the public hearing before the city council shall be given in like manner as required by subsection (F) of this section.

K. Appeals from the City Council. Appeals shall be taken from decision of the city council by writ of review or in any other manner provided by state law, before a court of competent jurisdiction. (Ord. 108 (part), 1991; Ord. 97 § 13.04, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.48 ADMINISTRATIVE PROCEDURES

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#### **16.48.060 Enforcement.**

- A. Inspections. An official or employee may be designated by the city council to make routine and periodic inspections of properties and premises within the corporate limits of Happy Valley to determine whether there is compliance with the laws, rules and regulations which are designed for the protection of the health, safety, peace and welfare of the public; and it shall also be the duty of such persons to make such inspections upon the receipt of complaints, or specific or general information indicating the existence of hazardous conditions or noncompliance with such rules, regulations and laws. In the event any authorized officer or employee of the city shall be denied access to any property or premises for the purpose of making an inspection provided for in this chapter, then such officer or employee shall not inspect such premises unless and until he or she shall have obtained a search warrant for the inspection of such premises.
- B. Search Warrants. No search warrant shall be issued, under the terms of this chapter, for the inspection of any property or premises within the corporate limits of the city unless and until there shall have been filed an affidavit showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, the code or ordinance sections which form the basis of such inspection, whether it is a routine or periodic inspection or an inspection instituted by a complaint or other specified or general information concerning the property or premises or the area in which it is situated. The search warrant issued shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant. It is unlawful for any person, firm or corporation to hinder, delay or obstruct the inspection of premises based on a search warrant issued under the terms of this chapter.
- C. Abatement. The location, erection, construction, maintenance, repair, alteration or use of a building or other structure in violation of this chapter shall be deemed a nuisance and may be abated as such.
- D. Building Official. It shall be the duty of the designated city official to enforce the provisions of this chapter. Such official shall send a description of any violation of the code to the commission within fifteen (15) calendar days after he or she becomes aware of the violation. The enactment of this chapter shall not invalidate any prior, existing or future prosecutions for violation of the chapter committed under a previous ordinance.
- E. Legal Proceedings by City Attorney. In addition to the remedies prescribed in this section, the city attorney, upon written request from the city council, shall cause to be instituted any civil action, suit or other legal means it considers to be appropriate to remedy violations of this chapter.
- F. Suits in Equity to Enjoin Violations. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered or used, or any land is, or is proposed to be used in violation of this ordinance, the city attorney, as prescribed in this section, or any person whose interest in real property in the city may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to

prevent, temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

#### G. Stop Work Order.

1. Issuance. When it is necessary to obtain compliance with any provision of the land development ordinance including any conditions of approval, the community development director or designee may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the director issues a stop work order, the responsible party may not resume work until such time as the director gives specific approval in writing. The stop work order will be in writing and will include:

1. Date of order;
2. Permit or registration number, where applicable;
3. Site address, legal description or project location of stop work order;
4. A description of violations observed; and
5. The conditions under which the work may resume.

The stop work order will be posted by the director at a conspicuous location at the site. In addition, a copy will be sent to the responsible party by certified mail. Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order. A stop work order is effective upon posting. When an emergency condition exists, the director may issue a stop work order orally. The director will then issue a written notice within twenty-four (24) hours.

2. Hearing. The community development director or designee shall schedule a hearing, if requested, in municipal court on the stop work order for the earliest practicable date, but not more than thirty (30) days after the effectiveness of any required notice. The municipal court judge shall conduct a hearing and make written findings as to the violation within fourteen (14) days of the hearing. Upon a finding of no violation, the municipal court judge shall require the issuance of a resume work order. Upon finding a violation, the stop work order shall continue to be effective until the violating party furnishes sufficient proof to the municipal court judge that the violation has been abated. (Ord. 251 § 13.06, 2003; Ord. 97 § 13.06, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.48 ADMINISTRATIVE PROCEDURES

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#### **16.48.070 Violation--Penalties.**

A. Any person, firm or corporation violating any provision of this chapter (except for those pertaining to illegal tree-cutting) shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) per violation.

B. Any person, firm or corporation illegally involved in the cutting of trees outside the perimeters of the conditions set forth in Section 16.20.090 shall be subject to the following civil penalties:

1. Not more than two thousand five hundred dollars (\$2,500.00) for each such tree having a diameter of twenty (20) inches or more at a point forty-eight (48) inches above mean ground level at the base of the trunk.
2. Not more than five hundred dollars (\$500.00) for each such tree having a diameter of six inches to less than twenty (20) inches at a point forty-eight (48) inches above mean ground level at the base of the trunk.

C. Each person, firm or corporation found guilty (except as to the illegal cutting of trees) shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter, and any use, occupation, building or structure maintained contrary to the provision of this chapter shall constitute a public nuisance. (Ord. 233 § 1, 2001; Ord. 121 §§ 13.071 and 13.072, 1993; Ord. 97 §§ 13.071--13.072, 1986)

[Title 16 LAND DEVELOPMENT CODE](#)

[Chapter 16.48 ADMINISTRATIVE PROCEDURES](#)

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**16.48.080 Fees.**

For the purpose of defraying the expenses arising from or incident to investigation, evaluation and processing of any application, petition or appeal and the cost of public notices, hearings, publications and mailings incident thereto, fees are prescribed and required to be paid to the city at the time of filing of the applicable application, petition or appeal. Such fees shall be prescribed by resolution of the city council and shall be readily available to all interested parties from the city recorder. (Ord. 97 § 13.10, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.48 ADMINISTRATIVE PROCEDURES

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#### **16.48.090 Administrative changes as of December, 1993.**

##### A. Required administrative changes per Periodic Review Order of December, 1993:

1. Substitute "unreasonable" for "adverse or negative" on page 11-1, Section 2.03;
2. The city shall limit conditions of approval to matters pertaining to applicable review standards.

##### B. City's voluntary changes per Periodic Review Order of December, 1993:

1. The city will issue hearing notices on the date an application is deemed complete;
2. City staff shall mail out the planning commission decision within five working days after signature by the planning commission chairperson;
3. Review and approval of minor partitions are a staff function, subject to planning commission review only when the planning commission chair requests a review within five working days of the staff decision;
4. The city shall complete and implement new application forms and an application checklist by January 1, 1994;
5. Determinations that applications are complete are a staff function, subject to planning commission review only when the planning commission chair requests a review within five working days of the staff decision;
6. The city shall hold hearings on appeals to city council within the one hundred twenty (120) day limit;
7. The city council and planning commission will not be involved in pre-application conferences;
8. It is a goal to have a single meeting for receiving testimony and making decisions on subdivision and PUD applications. For these purposes, a meeting covers approximately three and one-half hours. More than one meeting may be permitted when testimony is not complete or when new information is submitted; when the city determines during agenda preparation that the complexity and number of issues under review cannot reasonably be addressed in a single meeting; or an additional meeting is necessary to allow for adequate deliberation following close of the public hearing. Findings may be developed or revised following the decision and returned to the next meeting for adoption;
9. The city shall follow a fifteen (15) day limit for preparation of final documents implementing approved development applications.

##### C. LDO substantive changes as of December, 1993:

1. Manufactured homes are allowed on individual lots in all residential zones. (Ord. 121 § 13.11, 1993; Ord. 97 § 13.11, 1986)





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**Chapter 16.50 GENERAL SITE DESIGN STANDARDS**

[16.50.010 Purpose.](#)

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[Chapter 16.50 GENERAL SITE DESIGN STANDARDS](#)

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**16.50.010 Purpose.**

The purpose of this chapter is to establish general site development standards in regard to landscaping, off-street parking and loading, pedestrian access and circulation, and grading requirements. (Ord. 297 (part), 2004)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.50 GENERAL SITE DESIGN STANDARDS

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#### **16.50.020 Landscaping standards.**

A. Intent Statement. The city of Happy Valley recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, buffer or screen unsightly features, soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering and screening. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the city consistent with this chapter.

B. General Requirements for Landscaping.

1. Where landscaping is required by this code, detailed planting plans shall be submitted for review with development applications. No development may commence until the director 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 right and responsibility of the property owner, unless 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.
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 five inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant per Section 16.20.090. Plants to be saved and methods of protection shall be indicated on the detailed planting 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.
5. Landscaped areas may include architectural features or artificial ground covers 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 cafes, seating, water features and plazas, as

approved by the community development director (CDD) or his/her designee or the planning commission. 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. Area Required. The following minimum lot area shall be landscaped for the following uses:

a. Duplexes, triplexes and fourplexes: forty (40%) percent;

b. Multifamily dwellings containing five or more units: thirty (30%) percent;

c. Nonresidential uses, e.g., commercial industrial, institutional, or civic: fifteen (15%) percent.

#### C. Parking Lot Landscaping.

1. 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 shall include a minimum ten feet depth of buffer plantings adjacent to the right-of-way.

2. When parking in a commercial or industrial district adjoins a residential zoning district, 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 within two years after installation.

3. 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 ground covers.

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 contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.

#### D. Required Tree Plantings.

1. Planting of trees is required for all public street frontages, and along private drives more than one hundred (100) feet in length. Trees shall be planted outside the right-of-way except where there is a designated planting strip or city adopted street tree plan.

2. The city maintains a list of appropriate trees for street tree and parking lot planting situations in Section 16.20.100. Selection of species should be made from the city-approved list. Alternate selections may be approved by the CDD or his/her designee following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. Street trees shall be planted at thirty (30) feet on center except where planting a tree would conflict with existing trees,

retaining walls, utilities and similar barriers.

3. Trees may not be planted:

- a. Within five feet of a permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the CDD or his/her designee are used;
- b. Within ten feet of fire hydrants and utility poles;
- c. Within five feet from a curb face when not in a planter strip or island;
- d. Where the CDD or his/her designee determines the trees may be a hazard to the public interest or general welfare.

3. Trees shall be pruned to provide a minimum clearance of eight feet above sidewalks and twelve (12) feet above street and roadway surfaces.

E. Irrigation. Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

F. Types and Size of Plant Material.

1. At least seventy-five (75%) percent of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover.

2. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.

3. Deciduous trees shall be species having an average mature spread of crown greater than fifteen (15) feet and having trunks, which can be maintained in a clear condition with over five feet of clear wood (without branches). Trees having a mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

4. Deciduous trees shall be balled and burlapped, and a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

5. Coniferous trees shall be a minimum five feet in height above ground at time of planting.

6. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.

7. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.

8. Vines for screening purposes shall be a minimum of one gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. English Ivy is not permitted.

9. Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in two years.

10. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrasses and fescues used within the local landscape industry.

G. Revegetation in Unlandscaped or Natural Landscaped Areas.

1. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted as required by the city or by applicable conditions of approval.

2. Plant material shall be watered at intervals sufficient to assure survival and growth.

3. The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

H. Landscaping Between Public Right-of-Way and Property Lines. Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

I. Buffer Planting—Parking, Loading and Maneuvering Areas.

1. Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than to block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

2. Buffering is required in conjunction with issuance of construction permits for parking areas containing five or more spaces, loading areas, and vehicle maneuvering areas.

3. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.

4. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.

J. Screening (Hedges, Fences, Walls, Berms).

I. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

a. 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.

b. 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.

c. Height Measurement. 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.

d. Berms. 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 ground cover, shrubs, and trees.

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

K. Screening of Service Facilities. Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding thirty-six (36) inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.

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

M. Performance Bond.

1. If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible prior to desired occupancy, an extension of up to six months may be applied for by posting financial security equal to one hundred fifty (150%) percent of the cost of the landscaping yet to be completed, assuring installation within six months.

2. Security devices may take the form of any of the following:

a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the city attorney;

b. Cash;

c. A letter of credit, approved by the city attorney, from a financial institution stating that the money is held for the purpose of development of the landscaping or other specified site improvement;

d. An irrevocable stand-by letter of credit in a form approved by the city attorney;

e. Such other device as the city attorney and director deem as appropriate to ensure installation of these improvements.

3. If the installation of the landscaping improvement is not completed within one hundred eighty (180) days, the city shall have access to the security to complete the installation.

N. Guarantee. All landscape materials and workmanship shall be guaranteed by the developer for a period of time not to exceed two years front the date of acceptance. This guarantee shall ensure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials. (Ord. 297 (part), 2004)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.50 GENERAL SITE DESIGN STANDARDS](#)

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#### **16.50.030 Off-street parking and loading standards.**

The intent of these regulations is to provide adequate capacity and appropriate location and design of on-site parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

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

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

2. **Unspecified Requirements.** Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the director based upon the requirements for similar specified uses.

3. **New Structure or Use.** When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with subsection (C) of this section or as otherwise modified through a planned development or specific area plan.

4. **Alteration of Existing Structures.** When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.

5. **Increased Intensity.** When increased intensity requires no more than two vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.

6. **Change in Use.** When an existing structure or use of land is changed in use from one use to another use as listed in subsection (C) of this section, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

7. **Time of Completion.** Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.

8. **Inoperative Motor Vehicles.** In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space,



garage, or carport.

9. **Truck Parking.** In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a one-ton capacity used in the conduct of a commercial business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted.

10. **Mixed Uses.** In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately, unless shared parking provision has been met.

11. **Conflicting Parking Requirements.** When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

12. **Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Parking spaces shall not be used for the storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

13. **Location of Required Parking.**

a. Vehicle parking required for residential uses shall be provided on the development site of the primary structure. Except where permitted by subsection (D) of this section, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.

b. On-street parking shall not be utilized to meet the minimum requirements, except where otherwise modified in another section. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is no controlled intersection within one hundred (100) feet of the subject property.

c. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with subsection K of this section.

14. **Unassigned Parking in Residential Districts.**

a. Multifamily dwelling units with more than ten required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least fifteen (15%) percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.

b. Multifamily dwelling units with more than ten required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least fifteen (15%) percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

15. **Fractions.** When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (one-half or more of a space), a full space shall be required.

16. **Maximum Parking Allowed.** No site shall be permitted to provide more than thirty (30%) percent in excess of the minimum off-street vehicle parking required by subsection (C) of this section. This provision does not apply to those uses where maximums are provided for in the table.

**B. Minimum Off-Street Parking Space Requirements.**

1. **Parking Table.** The following parking table shall be interpreted with the following notations:

a. All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.

Table 9.050.02A

## Minimum Required Off-Street Parking Spaces

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)		Bicycle Spaces
		Zone A	Zone B	
Residential				
Single-family detached	2 per dwelling			None required
Single-family attached	2 per dwelling			None required
Duplexes, triplexes, fourplexes	2 per dwelling			None required
Manufactured home park	2 per dwelling			None required
Multi-family dwellings containing five or more units				
a. Studio and one-bedroom units	1.25 per dwelling			1 space per unit
b. Two-bedroom units	1.5 per dwelling			1 space per unit
c. Three or more bedroom units	1.75 per dwelling			1 space per unit
d. Visitor Parking <sup>2</sup>	0.35 per dwelling unit (if less than 100 total units); 0.25 per dwelling unit (if 100 or more total units)			75 % of bicycle parking in multi-family development shall be covered.

Congregate housing, retirement homes, intermediate care facilities	1 per 3 beds plus 1 space per employee on the largest work shift			1 per 5 beds
Residential care facilities	1 per 4 beds plus 1 space per employee in the largest work shift	2 per unit +.50 per bed	2 per unit +.50 per bed	1 per 5 beds

### Community Services, Institutional and Semi-Public Uses

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)		Bicycle Spaces
		Zone A	Zone B	
General office, government office	3 per 1000 sq. ft. gross floor area	3.4 per 1,000 sq. ft.	4.1 per 1,000 sq. ft.	2 or 1 per 20 auto spaces whichever is greater
Community recreation buildings	1 per 250 sq. ft., or 1 space per four patrons to the maximum capacity, plus one space per employee on the largest shift			0.3 spaces per 1000 sq. ft. of floor area
Church, chapel, auditorium	1 per 4 fixed seats or 6 linear feet of bench length or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats	0.6 spaces per 1,000 sq. ft.	0.8 spaces per 1,000 sq. ft.	1 space per 40 seats or 1 space per 60 linear feet of bench seating

Library or museums	2 per 1000 sq. ft. gross floor area			2 or 1.5 spaces per 1,000 gross sq. ft., which is greater with 10 percent required to be covered
Lodge, fraternal and civic assembly with/ or without eating and drinking facilities	1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats			2 or 1 per 20 vehicle spaces
Hospitals and medical centers	1 per 500 sq. ft. of gross floor area			0.2 spaces per 1,000 gross sq. ft.
Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)		Bicycle Spaces
		Zone A	Zone B	
Medical and dental offices and clinics	4 per 1000 sq. ft. of gross floor area	4.9 per 1,000 sq. ft.	5.9 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of floor area
<b>Schools</b>				
Day care/small school	1 per employee and 1 per five students			1.5 spaces per classroom
Preschool/ kindergarten	2.5 per 1000 sq. ft. gross floor area			1.5 spaces per classroom
School—elementary	2 per classroom			8 spaces per classroom
School—middle School/junior high	2 per classroom			8 spaces per classroom

School—senior high	.6 per 1000 sq. ft. gross floor area			4 spaces per classroom
School—Vocational or college	3 per 1000 sq. ft. of gross floor area			0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which residential facility standards apply)
<b>Commercial Uses</b>				
Retail sales, general and personal services	4 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1000 sq. ft. of gross floor area
Shopping centers	4 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1000 sq. ft. of gross floor area
Retail sales, bulky merchandise (examples: furniture or motor vehicles)	1 per 800 sq. ft. of gross floor area			0.3 per 1000 sq. ft. of gross floor area
Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)		Bicycle Spaces
		Zone A	Zone B	
Grocery stores	2.9 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft. of gross floor area
Convenience market	2.3 per 1000 sq. ft. of gross floor area			2 spaces per 1,000 sq. ft. of gross floor area

Restaurant with drive through	9.9 spaces per 1,000 sq. ft. of gross floor area	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area
Restaurant without drive through <sup>1</sup>	11 spaces per 1,000 sq. ft. of gross floor area	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area
Sports club/health spas	4.3 spaces per 1,000 sq. ft. of gross floor area	5.4 per 1,000 sq. ft.	6.5 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of gross floor area
Tennis and racquet ball clubs	2 spaces per 1,000 sq. ft. of floor area			0.4 spaces per 1,000 sq. ft. of gross floor area
Theaters	0.3 spaces per seat or 6 linear feet of bench seating	0.4 per seat	0.5 per seat	0.04 spaces per seat or 60 linear feet of bench seating
Service station	3 spaces plus 2 spaces per service bay, if any			2 spaces or 0.2 per 1,000 sq. ft. of gross floor area whichever is greater
Service station with convenience market with gas pumps	2.3 spaces per 1,000 sq. ft. of gross floor area			2 spaces or 0.2 spaces per 1,000 sq. ft. of gross floor area whichever is greater

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)		Bicycle Spaces
		Zone A	Zone B	
Parks and open spaces	None required			4 spaces or 1 space per 20 vehicle parking spaces whichever is greater
Bank with drive through	4.3 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area
Bank without drive through	5 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area
<b>Industrial Uses</b>				
Manufacturing, processing, packing, assembly, and fabrication	1.6 per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area
Warehousing, freight movement distribution, and storage	0.5 space per 1,000 sq. ft. of gross floor area (if less than 150,000 sq. ft. of floor area)			0.1 space per 1,000 sq. ft. of gross floor area
	0.3 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area)			

Wholesale, retail sales	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area
Industrial, commercial services	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area
Office (Relating to industrial uses)	2.7 spaces per 1,000 s.f. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area

**Table Notes:**

1. Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants without drive-through.
2. Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by this subsection.

2. Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten percent for the minimum number of spaces. The maximum number of spaces shall be ten percent less than the total permitted maximum for each use.

3. Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces and are allowed in both the MUC and MUR-A districts.

4. On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.

5. If applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this code. The evidence shall consist of parking study performed by a licensed traffic engineer and shall be based on an actual parking survey data of the same use proposed, or on Institute of Transportation Engineers (ITE) data.

**C. Shared Use of Parking Facilities.**

1. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated by a maximum of two hundred (200) feet (measured as a direct pedestrian route).

2. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement or similar written instrument.

3. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) or typically provide services to many of the same patrons within the same development,



and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.

4. Any change in use which would produce a need for additional parking in a shared situation shall require additional review per Section 16.32.050.

#### D. Parking Location.

1. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

2. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family and two-family dwellings, required parking may be located in front of a garage.

3. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of ten feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

E. Parking Area Design, Size, Layout and Access. All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

1. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.

2. The following table states the minimums for parking space size:

Table 9.050.02B  
Off-Street Parking Matrix  
Required Space and Aisle Dimensions in Feet

Angle	Standard Size Vehicles					Compact Size Vehicle				
	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang
(A)	(B)	(C)	(D)	(E)	(F)	(B)	(C)	(D)	(E)	(F)
0° (parallel)	8.0	24.0	N/A	N/A	N/A	8.0	20.0	N/A	N/A	N/A
45°	9.0	17.5	12.0	47.0	2.0	8.0	15.5	11.0	42.0	2.0
60°	9.0	19.0	16.0	54.0	2.5	8.0	17.0	14.0	48.0	2.5
75°	9.0	19.5	23.0	62.0	2.5	8.0	17.5	21.0	56.0	2.5
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5

3. Parking Lot Layout. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Section 16.32.080. Wheel stops, bumper guards, or other method to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of five feet for safe pedestrian circulation is required. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to city standards for off-street vehicle areas.

#### F. On Site Circulation.

1. Groups of more than three parking spaces shall be permanently marked.
2. Backing and Maneuvering. Except for a single-family dwelling or two-family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the public works director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

#### G. Access to Arterial and Collector Streets.

1. Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the public works director. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of one hundred fifty (150) feet from any other access or street intersection. Exceptions may be granted by the public works director. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
2. No development site (need to define development site as it relates to phasing and partitioning) that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the public works director. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
3. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (G)(1) and (2) of this section. As a part of an expansion or alteration approval, the city may require relocation and/or reconstruction of existing accesses not meeting those standards.

#### H. Driveways.

1. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.
2. A driveway for a single-family dwelling shall have a minimum width of twelve (12) feet.
3. A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

4. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
5. No driveway shall traverse a slope in excess of fifteen (15) percent at any point along the driveway length.
6. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

#### I. Parking Lot Lighting.

1. Artificial lighting shall be provided in all required off-street parking areas.
2. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties.
3. Light elements shall be shielded and shall not be visible from abutting residential properties.
4. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

J. Bicycle Parking Facilities. Bicycle parking requirements are provided in subsection (C) of this section. Additional standards for bicycle parking facilities for multifamily developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall be met:

#### 1. Location.

- a. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
- b. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
- c. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to the approval of the appropriate governing official and provided it meets the other bicycle parking requirements.
- d. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
- e. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

#### 2. Bicycle Parking Space Dimensions.

- a. Each required bicycle parking space shall be at least two and one-half feet by six feet. If covered, vertical clearance of seven feet must be provided.
- b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

#### 3. Security.

- a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
- b. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks

shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.

c. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.

d. One hundred (100%) percent of all required bicycle parking spaces for multifamily residential and industrial categories shall be covered. These required bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial and institutional uses are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or freestanding shelters.

e. Required bicycle parking inside a building shall be provided in a well illuminated, secure location within fifty (50) feet of a building entrance.

f. Outdoor bicycle parking spaces shall be clearly visible from the building entrance or the public right-of-way and shall be located within fifty (50) feet of the public entrance to the building unless clustered pursuant to subsection (2)(e) in which case the parking spaces shall be no more than one hundred (100) feet from a public entrance.

5. Signage. Where bicycle facilities are not directly visible and obvious from the public right-of-way, entry or directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

6. Exemptions. Temporary street-side sales and temporary uses such as fireworks stands, Christmas tree sales lots, single-family and are exempt from the standards.

L. Accessible/Handicapped Parking Facilities. Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive.

M. Carpool, Hybrid and Vanpool Parking. New industrial, commercial, and community service uses with more than twenty (20) employee parking spaces on site shall meet the following minimum requirements for carpool, hybrid car and vanpool parking.

1. For this section, a hybrid car is defined as an automobile that is powered by two fuel sources (i.e. gas and electricity) and achieves a combined EPA gas mileage of forty-five (45) mpg. or more.

2. Five spaces for five percent of the parking spaces on site, whichever is less, must be reserved for carpool/hybrid/electric car use during normal working hours. More spaces may be reserved, but they are not required.

3. The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

4. Signs must be posted indicating these spaces are reserved for carpool/hybrid/electric car use during normal working hours and those hours must be included on the sign.

N. Off-Street Loading Facilities.

1. The minimum area required for commercial and industrial loading spaces is as follows:

Table 9.050.02C

Use	Aggregate Floor Area	Berths Required	Type
Freight terminals, industrial plants, manufacturing or wholesale establishments, warehouses	12,000—36,000	1	A
	36,001—60,000	2	A
	60,001—100,000	3	A
	each additional 50,000 or fraction thereof	1 additional	A
Hospitals, convalescent homes and similar institutions	10,000—100,000	1	B
	over 100,000	2	B
Department stores, retail establishments, restaurants, grocery stores, and commercial establishments not otherwise mentioned	7,000—24,000	1	B
	24,001—50,000	2	B
	50,001—100,000	3	B
	over 100,000—each additional 50,000 or major fraction thereof	1 additional	B
Hotels or office buildings	25,000—40,000	1	B
	40,001—100,000	2	B
	each additional 10,000 or major fraction thereof	1 additional	B
Schools	Over 10,000	1	B

2. Uses Not Specifically Mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, as determined by the community development director or his/her designee, is most similar to the use not specifically mentioned.

3. Concurrent Different Uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the community development director or his/her designee but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.

4. Loading berths shall conform to the following minimum size specifications:

- a. Type "A" berths shall be at least sixty (60) feet long by twelve (12) feet wide by fifteen (15) feet high, inside dimensions with a sixty (60) foot maneuvering apron.
  - b. Type "B" berths shall be at least thirty (30) feet long by twelve (12) feet wide by fourteen (14) feet six inches high, inside dimensions with a thirty (30) foot maneuvering apron.
5. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots. Screening may be waived in commercial districts if the applicant can demonstrate the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours and operation of the surrounding uses.
  6. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the public works director.
  7. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.
  8. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.
  9. The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.
  10. School Loading Requirements. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school (other than a pre-school) having a capacity greater than twenty-five (25) students. (Ord. 297 (part), 2004)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.50 GENERAL SITE DESIGN STANDARDS

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#### **16.50.040 Pedestrian access and circulation.**

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e. on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system as shown in the Happy Valley Parks Master Plan. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles). The system of pathways shall be designed based on the standards in subsections 1 through 4 of this section:

1. **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property.
2. **Safe, Direct and Convenient Pathways.** Pathways within developments shall provide safe, reasonable direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
  - a. **Reasonably Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - b. **Safe and Convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. For commercial, industrial, mixed use, public and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - d. For residential buildings, the “primary entrance” is the front door (i.e. facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling.
3. **Connection Within Development.** For all developments subject to site design review, pathways shall connect to all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
4. **Design and Construction.** Pathways shall be designed and built in accordance with city public works standards. (Ord. 297 (part), 2004)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.50 GENERAL SITE DESIGN STANDARDS

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#### **16.50.050 Grading requirements.**

In addition to the provisions in Ordinance 138, and the Grading Plan as required in Section 16.32.060, the following standards shall be met for all projects undergoing design review:

- A. Grading on new project sites shall blend with the contours of adjacent properties. Abrupt or unnatural appearing grading design is not allowed unless otherwise approved by a condition of approval through this process.
- B. Proposed cut and fill slopes shall be rounded off both horizontally and vertically.
- C. Where graded building pads are proposed, they should extend three feet to five feet beyond the building foundation to allow a transition to the natural setting.
- D. The height and length of retaining walls visible from public areas including public streets shall be minimized and screened with appropriate landscaping. Retaining walls shall incorporate, where possible, design elements of other architectural or natural features of the project.
- E. Grading under the drip line of protected trees is prohibited to prevent soil compaction and significant root damage. A protected tree is one that is outside the building envelope or infrastructure improvement area per Section 16.20.090. On sites in the open space, the restriction on grading is extended to one and one-half times the distance from the trunk to the drip line unless mitigation by replanting native species or eradication of unwanted plant species has been approved by the city.
- F. Tall, smooth-faced concrete retaining walls are not allowed unless placement and design are approved through the design review process.
- G. Retaining walls shall be set back from the property line, the distance of a minimum of two feet or one-half of the retaining wall height, whichever is greater except where a recorded slope easement exists and/or a maintenance agreement for the wall is in place.
- H. Terracing shall be considered as an alternative to the use of tall or prominent retaining walls, particularly in highly visible areas on hillsides.
- I. When designing a grading plan, balancing the cut and fill is highly encouraged when it does not result in further damage to the natural topography. (Ord. 297 (part), 2004)



[Title 16 LAND DEVELOPMENT CODE](#)

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**Chapter 16.52 STREETS AND ROADS**

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## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.52 STREETS AND ROADS](#)

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#### **16.52.010 Purpose.**

A. It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and roads and other transportation facilities constructed or reconstructed within the city, as well as establish a process for variation from the streets standards.

B. The residential streets standards shall be considered as minimum design requirements under ideal circumstances. All residential streets in the city shall be designed as one of the standard prototypes except as provided in Section 16.52.0650 of this chapter. Approval of the appropriate street prototype shall be by the planning commission as part of the review process as provided in this title and shall be based on the following considerations:

1. Street function needed within the existing proposed and future neighborhood and the city circulation networks;
2. Anticipated daily traffic volume;
3. Individual property access requirements;
4. Topographic variations and the amount of cut and fill required for the proposed street;
5. Soil and other field conditions.

C. Alternate design variations from the standard prototypes may be considered for approval by the planning commission if one of the following conditions are found to be present:

1. Existing local conditions create unusual circumstances where standards must be exceeded such as excessive or unstable slopes, mixed land uses to utilize the same street, or a bikeway link is needed;
2. Existing local conditions create unusual circumstances including but not limited to where standards must be reduced such as reducing sidewalks to one side of the street only, reducing street widths, reconstruction of a street in an existing neighborhood, for reduction of excessive cuts and fills, or steep cross slopes exist making reduced widths advisable and parking turnouts recommended, including but not limited to;
3. Variation is necessary to the overall design objectives of a particular proposed development such as parking turnouts and landscaped islands and circles for traffic control. (Ord. 97 § 14.01, 1986)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.52 STREETS AND ROADS](#)

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#### **16.52.020 Definitions.**

For interpretation of this chapter, the following definitions shall apply:

"Bikeway" means a strip of land, legally accessible to the public and improved per state bikeway manual standards and specifications.

"Cul-de-sac" means a street having one end open to traffic and the other end permanently closed and provided with a vehicular turnaround at the termination of such street.

"Loop turnaround" means a street within a defined neighborhood area which serves substantially the same function as a cul-de-sac, but has a loop at one end with a landscaped island within the loop.

"Neighborhood collector" means a street which connects local street networks and parkways.

"Private street" means an undedicated private right-of-way providing access from a public street to any property, not to exceed five lots.

"Residential" means a street that is intended to provide direct access to abutting residential properties and discourage through traffic movements not related to the neighborhood in which the residential street is located.

"Sidewalk" means a surfaced strip of land, legally accessible to the public, or a large segment of the public, improved to accommodate pedestrian traffic.

"Street" means the entire right-of-way of a dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place and other such terms.

"Street frontage" means a street parallel to and adjacent to arterial street providing access to abutting properties and protection from the through traffic.

"Street line" means a line separating a street from other land. (Ord. 102 § 14.02, 1990; Ord. 97 § 14.02, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.52 STREETS AND ROADS

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#### **16.52.030 Street and road standards.**

##### A. Horizontal Street Alignment.

1. The layout of streets shall provide for the continuation of streets existing in adjoining partitions, subdivisions or planned unit developments or of their project alignments when adjoining property is not subdivided or partitioned.
2. The normal construction centerline shall be identical with the right of way centerline. In special cases, offset construction centerlines may be approved by the city engineer.
3. Curb line radii shall be concentric with the right-of-way line except in “cul-de-sacs” and “eyebrows” with a forty (40) foot right-of-way line radius, the minimum curb radius will be forty (40) feet unless approved by the planning commission.
4. Curb line radius at street intersections shall be twenty (20) feet unless otherwise designated by the planning commission. The property line radius shall be concentric with the curb line radius.
5. The minimum radius of curvature of streets shall be as follows:
  - a. Parkway: Three hundred (300) feet;
  - b. Neighborhood Collector: Two hundred (200) feet;
  - c. Residential: One hundred (100) feet.

##### B. Vertical Street Alignment.

1. The minimum street centerline grade shall be one-half percent.
2. The maximum desired grade for any street is ten (10) percent, and no grade shall exceed twelve (12) percent for a maximum length of two hundred (200) feet. Any proposed street in excess of twelve (12) percent requires a variance from the city and approval from Clackamas County Fire District #1 or its successor in interest.
3. Grade changes in excess of one percent will require a vertical curve.
4. Vertical curves shall be parabolic.
5. Sag vertical curve design shall provide adequate gutter drainage without creating an uncomfortable “ride”. All other vertical curves shall be designed in accordance with the “Stopping Sight Distance” formulae as set forth by AASHTO in “A Policy on Arterial Highways for Urban Areas.”
6. Cul-de-sac, residential and neighborhood collector streets with grades in excess of five percent intersecting a parkway shall be designed to provide a flat stopping area outside of the traveling lanes of the minor arterial. Stopping area grades will not exceed five percent.
7. Curb corners shall be designed so that the grade shall flow smoothly from one street to the other with proper attention directed to drainage.

### C. Specifications and General Design.

1. Unless otherwise required by the city engineer or this chapter, road specifications shall conform to the most recent issue of the Oregon state highway division's "Standard Specifications for Highway Construction."

2. All streets which are to be constructed must be designed and the design prepared by an engineer registered in the state of Oregon, and must conform to the design standards developed by the city of Happy Valley.

3. All partitions, subdivisions or planned unit developments of ten (10) acres or more shall have at least two ingress-egress points serving at least one-half of the development and which shall connect with existing county or state roads, or city street, thereby providing for better traffic flow.

D. Rights of Way. Prior to issuance of building permits or recordation of final plat, the city shall require dedication of rights-of-way in accordance with the city's plan. All dedications shall be recorded with the county assessor's office. For partitions, the city shall also require a waiver of remonstrance against the formation of a local improvement district, and all non-remonstrances shall be recorded with the city prior to issuance of a building permit or recordation of a final plat. See Section 16.52.130.

1. When a tract of land is divided into parcels of more than one acre each, the commission may require an arrangement of lots and streets such as to permit a re-dividing into smaller lots in conformity with the street and lot requirements specified in this chapter.

E. City streets and roads shall comply with the following criteria:

#### 1. Parkway:

- a. Center turn lanes required;
- b. Signalized at all intersecting principal and minor arterials or others as warranted or required;
- c. Flared intersections optional;
- d. Bus turnout required;
- e. Designated crosswalks at controlled locations;
- f. No parking within one hundred (100) feet of intersection as designated by signs or markings;
- g. Ninety (90) percent intersection angles, minimum seventy-five (75) percent. See Section 16.52.100;
- h. Streets at intersections shall be in alignment through the intersection;
- i. Two hundred (200) feet minimum distance between intersections.

#### 2. Neighborhood Collector Streets:

- a. Signed as warrants require at intersecting parkways and neighborhood collectors;
- b. Ninety (90) percent intersections, minimum seventy-five (75) percent;
- c. No parking within thirty (30) feet of intersection as designated by markings;
- d. Minimum of two hundred (200) feet between intersections;
- e. Street at intersections shall be in alignment through the intersection.

#### 3. Residential streets:

- a. Ninety (90) percent intersection angle, minimum seventy-five (75) percent. See Section 16.52.100;

- b. Minimum of two hundred (200) feet between intersections;
  - c. No parking within thirty (30) feet of intersection as designated by markings;
  - d. Street at intersections shall be in alignment through the intersection;
  - e. Signed as warranted or required;
  - f. Local streets will be designed primarily to provide access to abutting properties and shall be designed to discourage through traffic.
4. Cul-de-sac and Loop Turn-Around Streets:
- a. Ninety (90) percent intersection encouraged, minimum seventy-five (75) percent. See Section 16.52.100;
  - b. Signed as warranted or required;
  - c. A cul-de-sac or dead end street shall be as short as practicable, but in no event more than eight hundred (800) feet in length. A cul-de-sac shall provide a turnaround without the use of a driveway. Dead end stub streets shall not be permitted unless a foreseeable continuation can be demonstrated.
5. Subsurface Drainage:
- a. Subsurface street drainage shall be an integral part of street design. Subsurface drains shall be designed and constructed to properly address the affected soil. In the event that no subsurface drainage is required based on a soils report, a transverse perforated drain pipe shall be installed below the sub-base rock at the point of each sag vertical curve. The subsurface drains are for the purpose of collecting and conveying subsurface water only, not surface runoff. They are not to be considered part of the storm drainage system for storm drainpipe sizing purposes;
  - b. Subsurface drains shall connect and drain into the storm drainage system at catch basins, curb inlets, gutter inlets, manholes or roadside ditches. Surcharge from the storm drainage system shall not be allowed to back up into the subsurface drains. Alternative subsurface drainage measures may be used if approved by the city engineer.
6. Guardrails. The following specifies the minimum requirements for the location and type of guardrails:
- a. The decision of whether to install a guardrail or not shall be based on information found in the AASHTO publication, "Guide for Selecting, Locating and Designing Traffic Barriers";
  - b. Guardrails shall be designed and constructed per ODOT's Standard Drawings for Design and Construction.
7. Transitions. Street width transitions from a narrower width to a wider width shall be designed with a three to one taper. Delineators, as approved by the city engineer, shall be installed to define the configuration.
- a. For street width transitions from a wider width to a narrower width, the length of transition taper shall be determined as follows:

$$L = S \times W \text{ for } S = 45 \text{ mph or more}$$

$$L = \frac{W \times S^2}{60} \text{ for } S \text{ less than } 45 \text{ mph}$$

Where L = minimum length of taper (feet)

S = design speed (mph)

W = EP to EP offset width

b. Delineators, as approved by the city engineer, may be installed to define the configuration. Maximum spacing of delineators shall be the numerical value of the design speed, in feet, i.e., thirty-five (35) foot spacing for thirty-five (35) mph;

c. In situations where a tapered transition cannot be provided, a barricade shall be installed at the end of the wider section of the street and a taper shall be appointed and delineated as approved by the city engineer. If the wider section does not provide an additional travel lane, only a barricade is required without the transition.

8. **Superelevation Cross-sections.** Off-set crown cross-sections are not acceptable as superelevation sections.

9. **Stub Streets.** Stub streets allow for future extensions and a reserve strip at the terminus of the right-of-way shall be provided. Such reserve strip shall be at least one foot in width and extend the full width of the right-of-way for the purpose of withholding access from the adjacent property to such street until such time as a complete street is constructed. A barrier may be required at the discretion of the city.

10. **Utilities.** On all phased (interim) road improvements, the necessary utilities shall be stubbed across the interim improvement to assure cuts are not necessary when the road is expanded to its full width.

a. Underground utilities being constructed along existing paved streets shall not be located under the existing pavement unless approved by the city engineer. Underground utilities that must cross an existing paved street shall not be installed by any method which cuts the pavement unless approved by the city engineer;

b. Underground utilities shall be buried a minimum depth of thirty (30) inches as measured from finished grade to top of utility;

c. Street lights shall be located as required to provide proper illumination but shall not physically or visually interfere with vehicle or pedestrian traffic.

11. **Curbs and Grading.** The following specifies the requirements for curbs and cross-slope grading for streets:

a. All new or improved streets and roads shall include combination curbs and gutters as illustrated in the standard drawings on both sides except in the situations of interim width improvements. Interim designs shall have shoulders and ditches;

b. Interim width urban streets shall have six foot wide shoulders adjacent to the street at a two and

one-half percent cross-slope and roadside ditches each side of the shoulders with a maximum side-area slope of two to one. The six foot shoulder area may consist of a section of pavement and/or a section of crushed rock. The pavement section shall be a minimum of two feet wide and a maximum of six feet wide.

12. Grading outside the improved areas shall be as follows:

- a. Neighborhood collectors or higher functional classifications shall have a two and one-half to one upward grading to the right-of-way line and no steeper than one and one-half to one up or two to one down outside the right-of-way;
- b. Residential streets and commercial functional classifications shall have a two and one-half to one upwards grading to the right-of-way line, a five to one upward or downward grading within the public utility easement and no steeper than one and one-half to one outside the right-of-way;
- c. Retaining walls shall be used if slopes are greater than the one and one-half to one requirement in the paragraphs above. Retaining walls shall be constructed to a height where the slope is no more than one and one-half to one;
- d. Cross-slope of the street section shall be no less than two and one-half percent and no greater than five percent. Whenever possible, the crown of the street shall be the same elevation as the top of the curbs.

13. Raised Medians. Raised medians are allowed on certain streets as approved by the planning commission.

1. Where raised medians are allowed, the following criteria must be met:

- a. The raised median shall be set back at least two feet from the median lane on both sides;
- b. Raised medians within a cul-de-sac bulb shall require mountable curb and gutters on the outside of the radius for emergency vehicles;
- c. Street lighting shall be sufficient to provide illumination of the raised median;
- d. Objects, such as trees, shrubs, signs, light poles, etc., shall not physically or visually interfere with vehicle or pedestrian traffic in the travelway;
- e. The style and design of the raised median shall be site specific. The raised median designs and landscaping shall be subject to planning commission approval.

14. Sight Distance. Adequate sight distance must also be provided for the traffic on the main street to see traffic entering or exiting the driveway or cross street and for motorists making left turns into the driveway or cross street. Adequate sight distance calculations vary by location and condition of the roadway and should be made utilizing procedures developed by the Institute of Transportation Engineers and the American Association of State Highway and Transportation Officials.

15. Corner or clear vision areas:

- a. A clear vision area shall be maintained on each corner of property at the intersection of any two streets, or a street and a driveway. No structures, plantings or other obstructions that would impede visibility between the height of thirty (30) inches and ten (10) feet shall be allowed within such area. Measurements shall be made from the top of the curb or when there is no curb, from established street centerline grade. However, the following items shall be exempt:
  - i. Light and utility poles with a diameter less than two inches,
  - ii. An existing tree, trimmed to the trunk, twelve (12) feet above the curb,



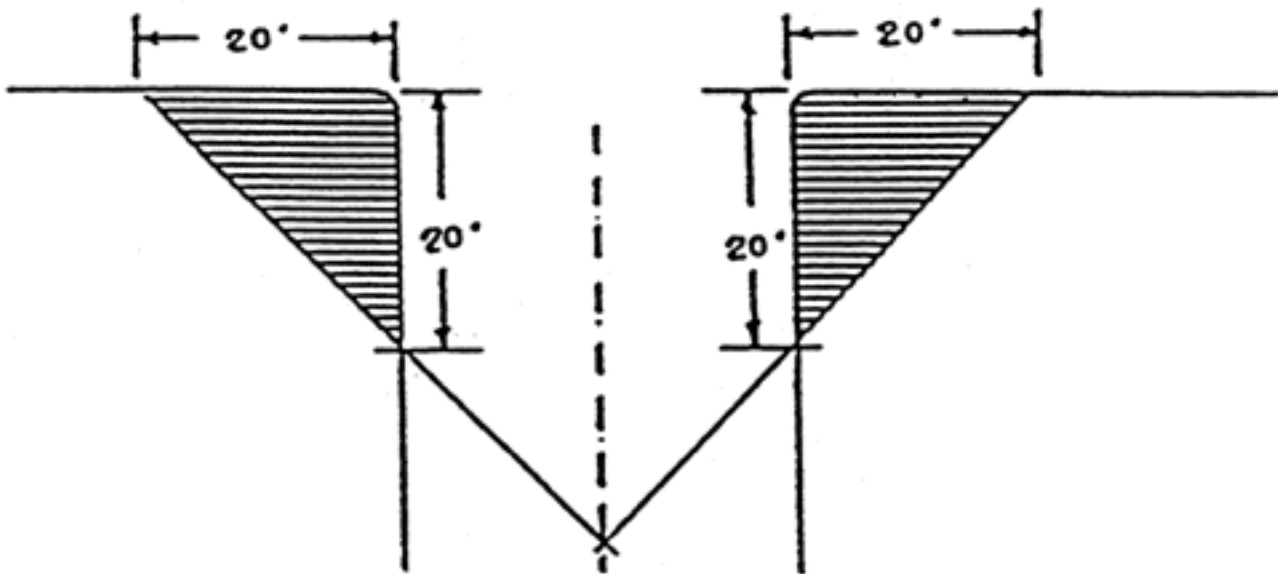
iii. Official warning or street sign;

iv. Natural contours where the natural elevations are such there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.

b. Vision clearance areas shall be established by the triangular area formed by the intersection of the driveway or street, the street right-of-way line, and a straight line adjoining such lines through points twenty (20) feet from their point of intersection. However, such area may be adjusted as follows:

i. Single-family driveways: fifteen (15) feet,

ii. Alleys: fifteen (15) feet.



Driveway Vision Clearance

c. Intersection and Driveway Sight Distances. Intersections and driveways should be located and designed so that the motorist approaching the main street from the driveway or cross street has adequate sight distance to the right and left before proceeding into the main street. The sight distance requirement should be determined by the city engineer and measured from the motorist's position when the vehicle is in a stopped position ten (10) feet behind the edge of the payment of the main street. The sight distance will vary depending upon the prevailing speed on the main street.

d. Driveways constructed on streets without curbs shall meet the minimum intersection sight distance requirements.

16. Vertical Clearance. A minimum clearance of fourteen (14) feet above the pavement surface shall be maintained over all streets and access drives.

17. Interim Improvement Standards. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in

most cases existing and short-term projected traffic volumes do not warrant improvements to full standards. Therefore, unless otherwise specified by the planning commission, interim standards as determined by the city engineer shall apply:

a. Arterials: Twenty-four (24) feet paved, with standard (approved) sub-base and a tapered rural or turnpike shoulder. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the city engineer regarding adequate structural quality to support an overlay.

18. Half-streets are generally considered unacceptable. However, where the planning commission finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the following standards:

a. Minimum pavement width:

i. Neighborhood Collector: Twenty-four (24) feet;

ii. Residential: Twenty (20) feet.

b. Intersection improvements adequate to provide turn lanes shall be provided as follows:

i. Parkway: Forty (40) feet paved for two hundred fifty (250) feet beyond the centerline of intersecting streets;

ii. Neighborhood Collector: Thirty-six (36) feet paved for one hundred fifty (150) feet beyond the centerline intersecting streets.

c. A reserve or access control strip.

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

20. Miscellaneous Information. The expense related to modification of an existing street to accommodate proposed access, including all traffic control devices and lighting, shall be paid for by the developer. (Ord. 303 Att. A (part), 2005; Ord. 113 § 14.03, 1992; Ord. 97 § 14.03, 1986)

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**16.52.040 Street and road access control.**

- A. Parkway. Minimum sight distance of two hundred seventy-five (275) feet:
1. Residential Uses. Curb cuts two hundred (200) feet (minimum) to curb return; no access if lesser alternative exists; left hand turns allowed only at intersections;
  2. Commercial Uses. Curb cuts fifty (50) feet (minimum) to return; maximum one curb cut per one hundred fifty (150) feet or fraction thereof (shared driveways encouraged); left hand turns only at intersections, if possible, or one left hand turn per two hundred (200) feet; option of continuous left turn lane.
- B. Neighborhood Collector Streets:
1. Residential Uses. Curb cuts forty-five (45) feet to curb return (minimum); no access if a lesser alternative exists; no restrictions regarding left hand turns;
  2. Commercial Uses. Curb cuts fifty (50) feet to curb return (minimum); no restrictions regarding left hand turns.
- C. Cul-de-sac and Residential Streets: All uses. Permit required for access, subject to general considerations of safety, function, etc.
- D. When a major partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the comprehensive plan, the planning commission shall require reverse frontage lots, thereby precluding access to the parkway streets. (Ord. 113 § 14.032, 1992; Ord. 97 § 14.032, 1986)

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**16.52.050 Miscellaneous streets--Specific standards.**

- A. In commercial and high-density residential areas and other areas of high traffic volume, the right-of-way widths shall be determined in accordance with the standards for neighborhood collector streets. The width of pavement shall be recommended by the city engineer based on the requirements for number and width of travel lanes, number and width of on-street parking lanes, and the need for protected turning movements. Curbs, gutters and storm drain systems shall be required.
- B. Loop turn-around streets shall be considered acceptable principally in residential areas only.
- C. Cul-de-sacs shall generally be designed with a circular closed end with sufficient radius and right-of-way to allow for utilities, street lights, sidewalks, bikeways, etc. Use of a "fish tail" or "hammerhead" configuration must be approved by the planning commission. Sidewalks four feet wide shall be provided on each side of the cul-de-sac.
- D. One-way residential streets may be less than twenty (20) feet wide, subject to approval of the planning commission. (Ord. 97 § 14.033, 1986)

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**16.52.060 Appeals.**

- A. Any person aggrieved by a decision of the city engineer or other staff person under this chapter may appeal to the planning commission.
- B. Any person aggrieved by a decision of the planning commission under this chapter may appeal to the city council. (Ord. 97 § 14.034, 1986)

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**16.52.070 Street names.**

No proper street names shall be used which will duplicate or be confused with the name of an existing street or a connecting cul-de-sac or turn-around loop street. Street names shall conform to the established patterns of the city and surrounding area. (Ord. 97 § 14.035, 1986)

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**16.52.080 Private roads.**

Private roads within planned developments must be approved by the city. (Criteria to be developed.)  
(Ord. 97 § 14.036, 1986)

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#### **16.52.090 Structural section.**

- A. Purpose. The typical sections to be used for each street classification are shown in the standard drawings. The city engineer may increase the structural design to conform to projected traffic loads or unstable soil conditions. Warped sections, excluding intersections, must be approved by the city engineer.
- B. Variances. Sections utilizing other methods of construction than shown in the standard drawings (i. e., lime or cement treated subgrade, or portland cement or asphaltic cement treated base, etc.) may be submitted to the planning commission for approval after review by the city engineer.
- C. Structural Design. In areas determined unstable by the city engineer, the design engineer will be required to submit a structural design for approval. Included in the submittal shall be the soils analysis on which the design was based.
- D. Streets may be constructed of:
1. Full depth asphaltic concrete; or
  2. Asphaltic concrete with crushed rock base or treated bases; or
  3. Portland cement concrete with a cushion course of crushed rock or on a base of crushed rock or treated base.
- E. Asphalt Pavement Design:
1. The wearing surface of asphalt concrete (AC) streets shall be type C. Minimum total thickness of asphalt concrete shall be three inches in two lifts. If thickness of asphalt concrete is three inches or more, placement shall be in at least two lifts.
  2. Asphalt pavement may be designed using any nationally recognized procedure approved by the city engineer. (Ord. 97 §§ 14.04--14.045, 1986)



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**16.52.100 Traffic controls.**

A. Purpose. For any development, the city engineer may require that the owner provide an engineering traffic analysis by a registered engineer to determine the number and types of traffic controls (traffic lights, signs, turn lanes, etc.) as may be necessary to accommodate anticipated traffic flow and that will be required by the city as a condition of issuance of a building permit. Improvements will be required as approved by the city engineer.

B. Traffic Control Devices and Street Signs. All required street name and traffic control signs shall be installed at the expense of the developer. The cost of traffic control devices and required signs shall be paid fully by the developer.

C. Variances. When, in the judgment of the decisionmaking body, strict compliance with the standards of this chapter would impose an undue hardship on the developer when compared to developers of similarly situated property, the decision-making body may grant variances to the extent required to render substantial justice. Any variance granted shall be the minimum required and may be denied or conditioned where necessary to achieve substantial compliance with the objectives and purposes of this chapter. (See Chapter 16.28) (Ord. 113 §§ 14.05--14.053, 1992; Ord. 97 §§ 14.05--14.053, 1986)

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#### **16.52.110 Location of utility lines.**

- A. To the maximum extent feasible, utilities shall be placed underground.
- B. Water mains shall be located on the south and east sides of the road.
- C. Natural gas mains shall be located on the north and west sides of the road. Mains shall be located twelve (12) feet from the centerline of minor arterials and six feet from property line on all other streets. When mains on arterial streets are to be placed on the opposite side of the road, they shall be located seven feet into the street from the curb.
- D. Power and telephone shall be located in a maximum seven foot wide zone within the right-of-way abutting the property line and shall be joint occupancy whenever possible.
- E. Pedestals for Buried Cable. Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless special permission is obtained from the city engineer to locate elsewhere. In no case shall the pedestals be located within the road maintenance operating area, including mowing operations, or nearer the pavement edge than any official road sign in the same general location.
- F. Service crossings shall maintain the same depth as the main pipeline or buried cable to a point two feet behind the curb or center of the road or ditch, but in no case shall there be less than one foot cover from the bottom of the curb or ditch to the top of the service line.
- G. Storm sewer lines shall be located five feet south or east of centerline of street.
- H. Sanitary sewer lines shall be located five feet north or west of centerline of street.
- I. The depth of utilities on improved roads shall be thirty (30) inches minimum, unimproved roads forty (40) inches minimum, and thirty (30) inches minimum below subgrade on proposed construction or reconstruction. All depths are to top of pipe lines or buried cable.
- J. Locations other than those noted above must be approved by the city engineer. (Ord. 97 § 14.06, 1986)

[Title 16 LAND DEVELOPMENT CODE](#)[Chapter 16.52 STREETS AND ROADS](#)**16.52.120 Sidewalks and bikeways.**

A. Purpose. Requirements for sidewalks and bikeways shall be as follows:

Street Classification	Sidewalk Requirement	Width Requirement
Parkway Neighborhood	Both sides	Four (4) feet
Collector Street Residential	Both sides	Four (4) feet
Street Loop	Both sides	Four (4) feet
Turn-around	Both sides	Four (4) feet
Cul-de-sac	Both sides	Four (4) feet

B. The planning commission shall specify whether bikeways will be required for a particular area.

C. Sidewalks.

1. Sidewalks may be either private or public, depending on their location inside or outside of the public right-of-way;
2. Sidewalks shall tie to public streets at locations determined by the planning commission;
3. The surfacing of public sidewalks shall consist of three and one-half inches minimum of concrete. Private sidewalks may be constructed of two inches of asphaltic concrete over a minimum of four inches of compacted crushed rock. Other materials must be specifically approved by the planning commission;
4. Sidewalks shall have a maximum grade of fifteen (15) percent. Where steeper grades are encountered, steps may be used;
5. Ramps for handicapped use are required on all sidewalks used by the public at all points where a path intersects a curb;
6. Sidewalks must be constructed in such a way as to allow the surface drainage to sheet flow across them, and not follow them longitudinally;
7. Public sidewalks shall be located either in a public easement or over land dedicated to the public;

8. Sidewalks may meander within the right-of-way with planning commission approval;
9. Alternate Sidewalk Location. It is the general policy of the city to place sidewalks off the traveled portion of any roadway. In areas where the placement of the sidewalk would result in the removal of significant trees or the construction of significant fill or cut slope or in other cases deemed appropriate by the planning commission, the sidewalk may be placed elsewhere with a design approved by the planning commission, after review by the city engineer.

#### D. Bikeways.

1. Bikeways shall be public;
2. The need for bikeways shall be determined by the city planning commission;
3. Bikeways facilities shall meet the requirements of this document and the American Association of State Highway and Transportation Officials publication, "Guide for Development of New Bicycle Facilities," as amended and adopted by the Oregon Department of Transportation;
4. Bikeways must be constructed in such a way as to allow the surface drainage to sheet flow across them, and not follow them longitudinally;
5. A bikeway may be constructed adjacent to the curb within the pavement area;
6. Structural sections of bikeway facilities on streets shall conform to that of the street or be integral with the curb. Bikeway facilities off street shall be constructed over a sterilized (if covered by asphalt concrete), compacted subgrade with one of the following structures:
  - a. Three inches of asphalt concrete with four inches of three-quarter inch or minus rock base, or
  - b. Three and one-half inches of portland cement concrete with two inches of three-quarter inch or minus rock base.
7. Design standards regarding horizontal alignment, grade, sight distance, intersections, signing, marking, structures, drainage and lighting shall conform to the AASHTO standards. When bikeways are integrated with a curb, all inlet grates shall be designed to protect the bicyclist from the grate or opening;
8. Bikeways shall be located either in a public easement or over land dedicated to the public. The design of bikeways shall conform to city standards. (Ord. 97 § 14.07, 1986)

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Chapter 16.52 STREETS AND ROADS

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**16.52.130 Restrictive covenant.**

Exhibit 1.

CITY OF HAPPY VALLEY, OREGON

WAIVER

THIS AGREEMENT, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the CITY OF HAPPY VALLEY (hereinafter referred to as City) and \_\_\_\_\_ (hereinafter referred to as Owner):

WHEREAS, the Owner desires to improve land located within the City described as: \_\_\_\_\_; and

WHEREAS, the City is preparing plans for sewers within said City and the development of storm drains, water and road systems throughout said City and adequate fire protection; and

WHEREAS, Owner understands that by executing this Agreement, rights to object or remonstrate against the development of sewers, storm drains, water, roads and fire protection are being irrevocably waived;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

Owner hereby irrevocably waives any rights he and/or she may presently have or will have at any future time to object, remonstrate or petition against the development, construction, installation and/or provision for sewers.

Owner hereby irrevocably waives any rights he and/or she may presently have or will have at any future time to object, remonstrate or petition against development, construction, installation and/or provision for storm drains, stormwater detention, sidewalks, bikeways, street lighting, traffic control devices, road or street construction, water system installation or fire protection except Owner

reserves and the City grants the right to Owner to be compensated for any property taken by City from Owner in said installation or construction.

Owner fully understands that by the execution of this Agreement, valuable rights which he and/or she may otherwise have are being fully and totally relinquished and waived and they agree that before selling the property to which this waiver of rights applies, they will disclose this waiver.

The parties hereto agree that this covenant runs with the land and that this covenant is to be recorded in the books and records of the Clackamas County Clerk.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF HAPPY VALLEY

By: \_\_\_\_\_

Title or Office: \_\_\_\_\_

SUBSCRIBED and SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

Owner

SUBSCRIBED and SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

(Ord. 97 § 14.08, 1986)

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**Chapter 16.56 STORM DRAINAGE**

[16.56.010 Storm drain design standards.](#)

[16.56.020 Capacity.](#)

[16.56.030 Pipe sizing.](#)

[16.56.040 Location.](#)

[16.56.050 System components.](#)

[16.56.060 Testing of storm drain installation.](#)

[16.56.070 Easements.](#)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.56 STORM DRAINAGE

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#### **16.56.010 Storm drain design standards.**

- A. Permits. A city permit is required to discharge storm drainage into a city-maintained drainage facility or drainage course. The design engineer or other responsible party must submit plans for review and pay the appropriate fee before a permit may be issued.
- B. Extent of System. In general, storm drain systems should be designed to carry future loads which may reasonably be expected from full development upstream consistent with the comprehensive plan. Storm drainage systems shall extend to the appropriate extremities of the project to provide for both upstream and downstream development of the system. See Section 16.20.160 for details.
- C. Separate Storm Drains and Sanitary Sewers Required. All new systems and extensions of existing systems shall be designed only on the basis of separate storm drains and sanitary sewers. Combined sewers will not be approved.
- D. Connections to Existing Storm Drains. Wherever practicable, storm drain connections will be made directly into existing manholes. Construction of a manhole over the existing storm drain may be required. Tee connections may be allowed from single inlets or single area drains. Also, if the existing storm drain is thirty-six (36) inches in diameter or larger, a manhole connection may not be required. In any case, the sole determination of the type of connection will be made by the city engineer.
- E. House or Building Storm Sewers.
1. Provisions must be made for gravity drainage for roofs and foundation drains for new homes and other buildings in a development. These drains shall be piped to the street gutter or directly to the storm drain system. The connection to the street gutter must be through a three-inch plastic or cast iron pipe set in the curb during construction or cut through an existing curb per city engineer requirement. In residential developments where topography prevents connecting foundation and roof drains as required above, these drains for two lots or more shall be piped to the public storm drain system through a dedicated drainage easement; pipe and easement requirements shall conform to these standards.
  2. As a minimum criterion, construction of the house or building storm sewers shall be of the same quality and meet the same requirements as the public storm sewer with regard to materials, watertightness and location. In addition, these sewers shall conform to the state and local plumbing codes and restrictions. No roof, surface, foundation or other storm water drain lines shall be connected to the public sanitary sewers.
  3. All private storm sewer systems over two hundred fifty (250) feet in length or eight inches in diameter, or larger, shall comply with all applicable requirements of public sewers.
- F. Storm Drain Requirements for Area with Limited or No Outfall Facilities Available. A limited outfall facility is any existing conduit or channel serving a drainage area which cannot provide capacity for a



ten (10) year return storm under full development.

1. All storm drainage within the project limits shall be sized to accommodate a ten (10) year return storm for the affected area.
2. Areas with limited outfall facilities must retain and dispose of all additional stormwater runoff created by development, as set forth in the following paragraph.
3. Stormwater disposal in areas with no outfall facilities will require disposal areas approved by the city engineer, with a minimum capability of percolating a two year return storm for a ten (10) minute rainfall intensity. Disposal areas must provide combined percolation and detention capable of receiving a ten (10) year return storm.
4. Manholes and drain pipe will not be considered detention facilities. Each proposed development will require soil percolation tests, computations, and disposal method plans prepared by a qualified engineer or soil scientist. See Section 16.20.160 for additional details.

G. Specifications. In general, the drainage specifications should cover pipe material, excavation, laying of the pipe, jointing, backfilling material and compaction, testing, etc. All work is to be in accordance with city standards.

H. The city shall be held harmless in any improvement or upgrading activity carried on by the developer, even though such activity was required or approved by the city. The developer shall sign such an agreement as provided by the city attorney. (Ord. 97 §§ 15.01, 15.011, 1986)

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[Chapter 16.56 STORM DRAINAGE](#)

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**16.56.020 Capacity.**

See Section 16.20.160 for the design capacity of storm sewers. (Ord. 97 § 15.02, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.56 STORM DRAINAGE

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#### **16.56.030 Pipe sizing.**

- A. Minimum Diameter. Minimum lateral or trunk pipe size is twelve (12) inches diameter. Connection from inlet to storm drain may be reduced to eight inches diameter on approval of the city engineer.
- B. Standard location in roads is five feet south and east of centerline. Alternate locations may be approved by the city engineer.
- C. Horizontal and vertical curves in sewers are not recommended. However, in cases where justification can be shown, limited usage of such designs will be considered. Radii of curvature must be of sufficient length to minimize joint opening and positively maintain watertightness. Complete and accurate records must be kept of the exact location of such curved sewers for future reference.
- D. Minimum Grade. All storm drains should be laid on a grade which will produce a mean velocity, when flowing full or half full, of at least three feet per second, based upon the Kutter formula with "n", the coefficient of roughness, valued at not less than thirteen hundredths (0.013), depending upon the type of pipe used.
- E. Engineers are cautioned not to oversize pipes in an effort to comply with the minimum velocity requirements. Three feet per second velocities must be achieved with the design flow, not the capacity of the pipe.
- F. Minimum Depth. Pipe cover is thirty (30) inches minimum in streets and must be compatible with other utilities, both existing and planned. (Ord. 97 § 15.03, 1986)

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**16.56.040 Location.**

See Section 16.52.110 for information on all utility line locations. (Ord. 97 § 15.04, 1986)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.56 STORM DRAINAGE

#### **16.56.050 System components.**

A. Manholes shall be designed, constructed and located as follows:

1. The minimum inside bottom diameter shall be no less than forty-eight (48) inches;
2. Manholes shall be located as follows, unless otherwise approved by the city engineer:
  - a. Every change in grade or alignment;
  - b. Each intersection or junction;
  - c. At intervals of five hundred (500) feet or less. NOTE: Spacing may be increased for sewers in excess of thirty-six (36) inches diameter;
  - d. Manholes with pipe horizontal alignment changes of more than thirty (30) degrees in angle and at manholes where pipe size is changed; these manholes shall have the outlet pipe invert at least two-tenths (0.20) of a foot in elevation lower than all inflow pipe inverts, in addition to the normal grade crossing the manhole;
  - e. For sewers in excess of thirty-six (36) inches in diameter, special manholes may be required;
  - f. Type "APS" (sump bottom) manholes will be required whenever applicable, as determined by the city engineer.

B. Sewer Joints. All sewer joints must be constructed watertight, with rubber rings, unless otherwise ordered by the city engineer. Joint deflections shall be controlled such that the watertight integrity of the joint is maintained.

C. Anchor Walls. Where soil conditions so warrant, sewers on slopes in excess of twenty (20) percent shall be secured through the use of concrete anchor walls or other protection. Spacing for anchorage shall be as follows:

Slope	Minimum Anchor Spacing
20-34%	35 feet
35-50%	25 feet
51 + %	15 feet or concrete encasement

D. Pipe Materials. Concrete pipes shall be used unless other material is approved by the city engineer. In any event, all sewers shall be constructed of materials strong enough to withstand the design soil pressures without jeopardizing the watertightness of the pipe, and sufficiently rigid as to

maintain hydraulic continuity and joint integrity under any and all design conditions. Watertightness will be a prime requirement unless otherwise specified by the city engineer.

E. Catch Basins, Curb Inlets and Gutter Inlets. The spacing between catch basins and curb or gutter inlets shall be as required hydraulically by the street gutter and the basin for local roads. Flow shall not run deeper than four inches against a curb. For all other road classifications, gutter flow shall not run in the travel lane or deeper than four inches against a curb. Catch basins and gutter inlets shall be of sufficient size to accept the inflows without backing up water on the street.

1. Catch basins with curb inlets or gutter inlets shall be provided just prior to curb returns on streets with a centerline gradient of three percent or more and a street gutter drainage run of one hundred (100) feet or more.
2. Standard catch basins shall have a maximum height from top of grate to flowline pipe of three and one-half (3-1/2) feet and shall be used with a maximum pipe diameter of twenty-seven (27) inches in the side walls and twelve (12) inches in the end walls. Minimum depth shall be pipe diameter plus twelve (12) inches.
3. Oversize catch basins, and gutter inlets shall have a maximum height from top of grate to flowline of pipe of six feet and shall be used with a maximum pipe diameter of twenty-seven (27) inches in the side walls and twenty-seven (27) inches in the end walls.
4. Catch basins with curb inlets, either standard or oversize, shall be used on all streets with curbs.
5. Oversize catch basins with curb inlets or gutter inlets shall be installed at the low point of all sag vertical curves in streets. For streets without curbs, oversize catch basins shall be used.
6. Catch basins shall normally connect to a receiving conveyance pipe with a manhole or another catch basin or gutter inlet. Where the conveyance pipe is thirty-six (36) inches or larger, tee connections are allowed. Wye connections are not allowed.
7. Pavement tapers are required for all catch basins and gutter inlets.
8. Catch basins and curb inlets may be used instead of manholes if the above are satisfied and the catch basin and curb inlet criteria are also satisfied.
9. For pipes of forty-eight (48) inch diameter and larger, fabricated bends are allowed.
10. Manholes shall have two-hole lids; in some locations, tamper proof lids may be required. Heavy duty frames and covers shall be used on all manholes.
11. Manholes and catch basins deeper than four feet, measured from top of frame to flowline, shall have steps installed.
12. Offset manholes shall be used with pipes larger than thirty-six (36) inches.

F. Ditches and channels. Proposed roadside ditches shall be properly sized to pass all required flows, have a maximum depth of no more than two feet as measured from the shoulder of the road, side slopes no steeper than two to one and have a minimum flow velocity of three feet per second when flowing full. All other ditches shall be properly sized to pass all required flows but are not limited to the geometric restrictions of roadside ditches. Any proposed roadside ditch improvement that does not meet the requirement of this subsection shall be piped.

1. All proposed or modified channels shall have adequate erosion control provisions to prevent damage to the shoulder of the adjacent road or the water course channel. Side slopes no steeper than two to one will be allowed unless soil/rock conditions substantiated by a geotechnical report demonstrate that erosion control is adequate. Four to one is the desired channel side slope.

2. Protruding pipes, culverts or other structures which reduce or hinder the flow characteristics of the ditch channel or creek will not be allowed. (Ord. 97 § 15.05, 1986)

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[Chapter 16.56 STORM DRAINAGE](#)

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**16.56.060 Testing of storm drain installation.**

The testing shall consist of low pressure air testing or exfiltration testing, as specified by the city engineer. The results of these tests shall be observed and recorded by city personnel. (Ord. 97 § 15.06, 1986)



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**16.56.070 Easements.**

All storm drainage systems proposed for public ownership and maintenance shall be located only within public rights-of-way or easements designated for their use. Easements will be accepted by the city for permanently constructed storm drains only. (Ord. 97 § 15.07, 1986)

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**Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES**

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**16.59.010 Purpose.**

The purpose of this chapter is to establish appropriate locations, site development standards and permit requirements to allow for the provision of wireless communications services to the residents of the city. Such siting is intended to occur in a manner that will facilitate the location of various types of wireless communication facilities in permitted locations consistent with the residential character of the city, and consistent with land uses in commercial and industrial areas. The prevention of the undue proliferation and associated adverse visual impacts of wireless communications facilities within the city is one of the primary objectives of this chapter. This chapter, together with the provisions of the Uniform Building Code, is also intended to assist in protecting the health, safety, and welfare of the citizens of Happy Valley. (Ord 296 Att. A (part), 2004)

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### [Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES](#)

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#### **16.59.020 Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

“Alternative antenna support structures” means roofs of buildings, provided they are thirty (30) feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs and other similar man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.

“Antenna” means a specific device used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by this chapter include omni-directional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.

“Antenna array” means two or more antenna as defined in subsection B of this section.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:

1. “Lattice tower” which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four or more sided;
2. “Monopole tower” which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

“Co-location” means utilization of a single antenna support structure, alternative antenna support structure or an underground conduit or duct, by more than one wireless communications service provider.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation or auxiliary electricity generators.

“Facilities” means all equipment and property associated with the construction of antenna support structures, antenna arrays and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, and

buildings and similar structures.

“Radio Frequency (RF) Engineer” means a professional engineer licensed in Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of RF, microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure and one or more antennas.

“Wireless communications service” means the providing or offering for rent, sale, lease or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic and other information by the use of current or future wireless communications facilities. (Ord 296 Att. A (part), 2004)

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**16.59.030 Antennas to which this chapter has no application.**

The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, antennas under seventy (70) feet in height and owned and operated by a federally-licensed amateur radio station operators, to any antenna support structure or antenna lawfully in existence within the city on the effective date of this chapter, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio or television broadcasting facilities. (Ord 296 Att. A (part), 2004)

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Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES

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**16.59.040 Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communications service.**

Wireless communication antenna, antenna arrays and antenna support structures are permitted, conditionally permitted, or prohibited to be located in the zones as provided in this Chapter and as listed below:

A. Antenna support structures are permitted with planning commission approval of a conditional use permit, subject to the requirements of Section 16.16.220 (Conditional use), in the IPU (Institutional Public Use) zone, all Commercial zones and all Campus Industrial (CI) and LI (Light Industrial) zones.

B. In all residential zones and in the MUR-X zone, antennas and antenna arrays may be mounted to existing alternative antenna support structures with planning commission approval of a conditional use permit, subject to the requirements of Section 16.16.220 (Conditional use). However, such antennas and antenna arrays shall not add more than twenty (20) feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, colored and maintained in a manner that will blend with the appearance of the building or by the incorporation of “stealth” technology.

C. In the IPU zone, all Commercial zones and all Industrial zones, antennas and antenna arrays may be mounted to existing approved antenna support structures upon review and approval by the building official. The placement of additional equipment enclosures and facilities is also permitted, subject to the requirements of this ordinance.

D. In the IPU zone, all Commercial zones and all Industrial zones, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall add not more than twenty (20) feet to the total height or elevation of such structure from the street grade, or shall require Planning Commission approval of a conditional use permit, subject to the requirements of Section 16.16.220 (Conditional use). Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or by the incorporation of “stealth” technology.

E. Wireless Facilities matrix.

ZONE	WIRELESS FACILITIES

	ANTENNA SUPPORT STRUCTURES	ANTENNA ARRAY MOUNTS TO APPROVED ANTENNA SUPPORT STRUCTURES*	ANTENNA ARRAY MOUNTS TO EXISTING ALTERNATIVE ANTENNA SUPPORT STRUCTURES*
Residential/ Mixed Use	Prohibited	N/A	Less than or equal to 20 feet height added (Conditional Use) Greater than 20 feet height added (Prohibited)
Institutional	Conditional Use	Permitted	Less than or equal to 20 feet height added (Permitted) Greater than 20 feet height added (Conditional Use)
Commercial	Conditional Use	Permitted	Less than or equal to 20 feet height added (Permitted) Greater than 20 feet height added (Conditional Use)
Industrial	Conditional Use	Permitted	Less than or equal to 20 feet height added (Permitted) Greater than 20 feet height added (Conditional Use)

\* Subject to the requirements of Chapter 16.59

(Ord 318 Att. A (part), 2005; Ord 296 Att. A (part), 2004)



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### Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES

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#### **16.59.050 Design standards.**

- A. Where permitted, antenna support structures shall be constructed and installed as far away from existing buildings on adjoining land as is reasonably possible, and in no event within any required yard or setback area or nearer than twenty-five (25) feet to any publicly held land, residential structure or accessory building on adjoining land or railroad right-of-way.
- B. The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the community development director or designee may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site. Typically, three-strand barbed wire is proposed above any sight-obscuring fence or barrier. Although barbed wire is permitted, no concertino (razor) wire shall be installed atop any fence or barrier.
- C. All antenna support structures, antennas, and antenna arrays and associated facilities shall be finished in a non-reflective neutral color. Depending upon the urban or natural setting surrounding a proposed antenna support structure, the planning commission may require the incorporation of camouflaging or "stealth" technology options in the conditional use permit process. This requirement may lead to the installation of antenna support structures disguised as trees, clock towers, water towers, bell towers, flagpoles, spires, crosses and similar structures.
- D. No antenna support structure shall be permitted to be constructed, installed or erected within one thousand (1,000) feet of any other antenna support structure that is owned, operated or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the community development director or designee if, after reviewing evidence submitted by the service provider, he or she finds: 1) that a closer spacing is required in order to provide adequate wireless communication service to the subject area; and 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area. An appeal of the community development director or designee's decision may be made to the planning commission provided such appeal is filed with the community development department within ten calendar days of the director's decision. Appropriate fees, as set by city council resolution, shall accompany the appeal.
- E. The construction and installation of antenna support structures, antennas, antenna arrays and the placement of antennas or antenna arrays on alternative antenna support structures, shall be subject to the requirements of the Uniform Building Code (UBC), and Electrical Code (NEC).

F. No antennas or antenna arrays, or antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.

G. There shall be no signs, symbols, flags, banners or other such devices or things attached to or painted or inscribed upon any antennas, antenna arrays or antenna support structures.

H. If the application involves the placement of an antenna or an antenna array on a building that is listed in the Happy Valley register of historic structures, no permit to construct, install or erect antenna support structures or equipment enclosures, or to install, mount or erect antennas or antenna arrays on existing buildings or on other alternative antenna support structures, shall be issued without the prior approval of the planning commission. (Ord 296 Att. A (part), 2004)

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### Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES

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#### **16.59.060 Co-location of antennas and antenna support structures.**

A. Co-location shall be required unless demonstrated to be infeasible to the satisfaction of the community development director or designee, or the planning commission. Evidence submitted to demonstrate such shall consist of the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; or
2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements; or
3. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas or antenna arrays and related equipment; or
4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference with nearby antennas or antenna arrays, or vice-versa; or
5. That there are other limiting factors, such as inadequate space for a second equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

B. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas or antenna arrays on antenna support structures and/or alternative antenna support structures. The following co-location requirements shall apply:

1. All antenna support structures shall be designed so as to not preclude co-location.
2. In the event co-location is represented to be infeasible, the city may retain a technical expert in the field of telecommunications engineering to verify if co-location at the site is not feasible, or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.
3. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide wireless communications service, and provided that a provider is not utilizing co-location requirements as unfair economic advantage over providers seeking to locate within the city. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the city may require a third party technical study at the expense of either or both of such providers.
4. The city may deny a building or conditional use permit to the applicant for a wireless facility who has not demonstrated a good faith effort to co-locate on an existing wireless communication facility. Determination of "good faith effort" shall be the responsibility of the community development director or designee. (Ord 296 Att. A (part), 2004)



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**16.59.070 Interference with reception.**

No antenna or antenna array shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals, especially as regard police and emergency services operating frequencies. If, after installation of wireless communication facilities, signal interference with existing signals occurs, the applicant shall be responsible for resolving the interference, including the relocation or removal of wireless communication facilities as necessary. (Ord 296 Att. A (part), 2004)

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**16.59.080 Antenna support structures—Removal when no longer used.**

Any antenna support structure that has had no antenna or antenna array mounted upon it for a period of one hundred eighty (180) successive days, or if the antenna or antenna array mounted thereon are not operated for a period of one hundred eighty (180) successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within ninety (90) days from the date of written notice from the city. During such ninety (90) days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the community development director or designee or building official shall determine. If such structure and equipment enclosure are not so removed, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. (Ord 296 Att. A (part), 2004)

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### Chapter 16.59 WIRELESS COMMUNICATIONS FACILITIES

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#### **16.59.090 Application for permit for antennas, antenna arrays, antenna support structures and equipment enclosures.**

All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

- A. Payment of all permit fees, plans check fees and inspection fees;
- B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, antenna array, enclosure and/or structure is proposed, or copy of an appropriate easement, lease or rental agreement;
- C. A map, drawing or aerial photo showing all existing and proposed antenna support structures within one mile of the city limits. Information provided shall include the number of existing antenna and antenna arrays per antenna support structure, as well as the number of arrays planned for use upon a proposed new antenna support structure. Any wireless communications service provider may utilize existing mapping information possessed by the city in order to create an updated map.
- D. A scaled plan and a scaled elevation view and other supporting drawings, illustrating the location and dimensions of the relevant antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures and any and all other major devices and attachments. (Ord 296 Att. A (part), 2004)

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**Chapter 16.60SIGNS**

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[Chapter 16.60SIGNS](#)

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**16.60.010 Purpose.**

This section regulates the erection, placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the city.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this section, except for the following:

1. Signs inside a building, except for strobe lights, floating lights, or neon lights visible from a public right-of-way, private road or other private property. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

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### [Chapter 16.60SIGNS](#)

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#### **16.60.020 Definitions.**

For purposes of this chapter:

“A-Frame Sign (aka A-Board or Sandwich Board)” means a double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

“Abandoned sign” means a sign that does not have copy or a message on the display surface for a period of six months or more, including an obsolete sign.

“Animated sign” means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

“Animated sign, naturally energized” means a sign whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

“Animated sign, mechanically energized” means a sign manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

“Animated sign, electrically energized” means an illuminated sign whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

“Animated electrically energized flashing sign” means an illuminated sign exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) varies with the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to one hundred percent (100%) (on) during the programmed cycle.

“Animated electrically energized illusionary movement signs” means illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign and are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

“Awning” means a shelter supported entirely by the exterior wall of a building and composed of nonrigid materials except for a supporting framework.

“Awning sign” means a type of wall sign painted or printed on, or attached flat against the surface of the nonrigid materials of an awning.

“Balloon sign” means an inflatable, stationary, temporary sign of any shape anchored by some

means to a structure or the ground. It includes simple children's balloons, hot and cold air balloons, helium filled balloons, blimps, and other dirigibles.

"Banner sign" means a temporary sign made of nonrigid material without an enclosing framework. For the purposes of this chapter, advertisement flags are to be considered banners. National flags, flags of political subdivisions and symbolic flags of an institution, group or a business are excluded.

"Banner sign, special event" means a banner sign that is temporarily displayed over a public right-of-way for a limited period of time for a special event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council. Special event banner signs shall not be displayed for any longer than thirty (30) days.

"Bench sign" means a sign that is displayed on a bench.

"Billboard" means a sign with a display surface area of two hundred (200) square feet or more.

"Canopy" means a rigid nonmoveable roof-like structure supported only by columns or posts permanently affixed to the ground, or by a building at one or more points or extremities and by columns or posts in the ground at other points or extremities.

"Canopy sign" means a type of wall sign painted or printed on, or attached to the canopy fascia.

"Construction sign" means a temporary sign displayed in conjunction with a construction project on private property.

"Construction sign, public utility facilities" means a temporary sign displayed in conjunction with a construction project for public streets, public waterlines, public sewer lines and pump stations, public storm drain lines and other similar public facilities.

"Copy" means any written or graphic information on a sign.

"Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Directional sign" means a permanent sign designed and erected to guide the circulation of vehicles or pedestrians or both which are on the site.

"Directory sign" means a permanent informational sign designed and erected to list the businesses, business occupants or tenants with-in buildings on the site and to be read by passengers of vehicles or pedestrians or both which are on the site.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Entry/Exit sign" means a permanent sign designed and erected to show the location of vehicular access onto or off of a location from or to the public right-of-way.

"Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Festoon sign" means a string of ribbons, tinsel, small flags, lights, pennants, streamers, pinwheels or similar signs.

"Fin sign" means a sign which is supported by a pole or poles or columns and partly by a building.

"Free-standing sign" means a sign supported from the ground by its own structure and not attached to a building.

“Frontage” means the continuous distance along one street right-of-way line of one premise, provided such street is improved for public travel.

“Grade” means the level of the nearest sidewalk, road pavement, or the lowest point of elevation of the finished surface of the ground.

“Height of sign” means the vertical distance from grade to the highest point of a sign, including any projection, decoration or trim of the sign face or structure.

“Illegal sign” means a sign which is erected, constructed, altered, relocated, maintained or repaired in violation of any of the provisions of this chapter.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

“Illumination, direct” means lighting where-in the light source is visible.

“Illumination, fluorescent tube” means lighting wherein an electrical current is passed through a gas-filled tube, with a coating of fluorescent material on its inner surface, which emits visible light.

“Illumination, incandescent bulb” means lighting wherein an electrical current is passed through a filament inside a bulb and the filament emits visible light. The filament source of light may be visible as in clear bulb or bare bulb illumination or it may not be visible as in frosted or painted bulb lighting.

“Illumination, indirect” means lighting wherein the light source is separate from the object to be illuminated, including but not limited to a sign face or cabinet, and is directed to shine on the object or sign.

“Illumination, internal” means a lighting wherein the light source and the bulb or tube enclosing the light source are enclosed within a structure, including but not limited to a sign and are not visible.

“Illumination, Neon” means lighting where-in an electrical current is passed through a tube containing neon gas which emits visible light.

“Incidental sign” means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

“Lawn sign” means a temporary, freestanding or A-frame sign.

“Location (for signs)” means a lot, site, building wall, or any place upon which a sign is or can be erected, attached or maintained.

“Maintain,” “maintained” or “maintaining” means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

“Marquee” means a projecting, permanent, roofed structure attached to and supported only by a building.

“Marquee sign” means a type of wall sign painted, printed on, or attached to the marquee fascia.

“Monument sign” means a ground-level sign not mounted on a pole or structure. This sign is permanently affixed at grade and has a monolithic or columnar line and maintains essentially the same contour from grade to top.

“Natural materials” means wood, stone, brick and rock or any combination thereof.

“Nonconforming sign” means a sign lawfully erected and existing, and properly maintained and

repaired prior to the adoption of this chapter, but which does not meet the requirements of this chapter.

“Obscene sign” means a sign or other advertising structure displaying any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

“Obsolete sign” means a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

“Obstructing sign” means a sign, including its supports and structure, which interferes with the use of a fire escape, exit or a window such that light, ventilation or ingress and egress is reduced below the minimum required by law.

“Off-premise sign” means a sign which identifies or gives directions to a use or activity and which is located on premises other than where the activity or use is provided.

“Off-site” means any area not located within the property to be developed, whether or not in the common ownership of the applicant for development approval.

“Overhead door sign” means a sign located at the uppermost area of the overhead door opening or immediately above an overhead door opening.

“Pennant” means a sign that is a triangular flag which is tapered to a point or swallowtail.

“Premises” means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

“Projecting sign” means a sign projecting more than one foot from the wall of a building.

“Public Sign” means a sign erected and maintained by a special purpose district, public school district, municipal, county, state or federal government, or any political subdivision or agency thereof.

“Readerboard, electronic message center (changeable copy) sign” means a sign on which copy can be changed electronically by using patterns of lights that may be changed at intermittent intervals.

“Readerboard, mechanical (changeable copy) sign” means a permanent sign on which copy can be changed manually, in the field, by using letters, numbers or symbols which can be affixed to the sign face or are snapped into place or are track-mounted.

“Roof (for signs)” means any exterior building surface that is not vertical.

“Roof sign” means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

“Rotating, revolving or moving sign” means a sign, except a banner, or portion thereof designed to move.

“Sign” means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

“Sign band” means an area on each elevation of a building that establishes the location for permanent wall signs.

“Sign band, main building entrance” An area located on the wall within a distance of no more than eight feet of the main building entrance doorway. A main building entrance is one grade level entrance to a building that is the primary building entrance for occupants and visitors.

“Sign clearance” means the distance from the grade directly below a sign to the bottom of the lowest portion of the sign.

“Sign contractor” means a person engaged in the business of sign construction, sign maintenance or sign repair and registered with the Oregon Construction Contractors Board.

“Sign face” means the total of display surface area visible from one side of a sign.

“Sign face area” means the portion of a sign containing copy and the background for the copy.

“Sign maintenance” means normal care needed to keep a sign functional such as cleaning, painting, oiling and changing bulbs and tubes.

“Sign official” is planning director for the city.

“Shingle sign” means a rigid sign hanging from an awning, canopy, marquee or building overhang or attached to a wall and perpendicular to that wall.

“Sign repair” means fixing or replacement of broken or worn parts, sign faces or copy. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed. Sign repair includes repairs to damaged signs unless the cost of the repair exceeds fifty percent (50%) of the value of the sign during the most recent period of use before repairs are initiated.

“Sign structure” means one or more supports, uprights, braces, or other framework of a sign.

“Snipe sign” means a sign, usually composed of paper, plastic or plywood, affixed to a tree, fence post, utility pole, or similar structure.

“Subdivision sign” means a sign located on land in a recorded subdivision approved through the city of Happy Valley subdivision review process.

“Temporary sign” means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs. Temporary signs are not permanently attached to the ground (set on or post driven or dug into the ground with no footing or foundation), wall or building. Temporary signs on a property being offered for sale shall be removed within thirty (30) days of sale or transfer of possession whichever occurs first. Additional lawn signs shall be removed within twelve (12) days after an election.

“Traffic control sign or device” means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the city of Happy Valley, the state or federal governments.

“Unsafe sign” means any sign, part of a sign or sign structure which is liable to collapse or all due to inability to withstand wind, seismic or other loads, as specified in the uniform building code of the city, or as determined by the city building official. Whenever any sign or part of a sign obstructs the view of motorists traveling on the public streets or on property open to the public and creates risk of property damage or personal injury, it is an unsafe sign.

“Wall” means a masonry or similar structure serving to enclose or divide an area.

“Wall area” means the measurement in square feet of a building wall based on the height and width of an architectural elevation.

“Wall sign” means a sign erected on a wall. (Ord. 310 Exh. A (part), 2005: Ord. 216 Exh. A (part), 2001)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.60SIGNS

---

#### **16.60.030 Permit required.**

A. Permit Required. No sign shall be erected, constructed, maintained, modified, or relocated, except as provided by this section. This permit requirement applies to all signs, except those specifically exempt by a provision of this section and signs existing on the date of adoption of the ordinance codified in this section which shall be subject to subsection D of this section.

B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application for it to be processed by the city. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the city council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with city code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety (90) days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

C. A separate sign permit application shall be submitted for each sign erected, constructed, modified, relocated, replaced, face changed or structurally altered and for sign repair that includes these activities. Sign maintenance requires no permit. All proposed work on a sign shall be shown in the sign permit application.

D. When required by the uniform building code or the building official, a separate building permit shall be obtained from the city for the erection, construction, modification, relocation, replacement, change of sign face or alteration of a sign or sign structure.

E. When required by the State Electrical Code or the building official, an electrical permit shall be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of signs shall meet the applicable electrical standards as shown by certification from those testing laboratories approved by the State of Oregon meeting the testing standards for electrical safety as required by Oregon Revised Statutes 479.510-479.855 and Oregon Administrative Rule 918-330-000, as constituted on the effective date of this ordinance or as may hereafter be amended.

F. Building and electrical permits shall be applied for in accordance with the procedures of the issuing agency, provided such permits are not issued until a sign permit has been issued.

G. The community development director may require that a sign permit application be submitted for each sign on a property required to have a permit, if no permit for such sign has been previously



issued.

H. Appeals. Any person aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than ten days after the date the challenged decision is final. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

[Title 16 LAND DEVELOPMENT CODE](#)

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**16.60.040 Variances.**

Upon a variance application by an applicant, the planning commission may grant a specific variance from the provisions of this section following the standards and procedures set forth in Chapter 16.28 of this code. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.60SIGNS

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#### **16.60.050 Prohibited signs.**

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this section:

A. Billboards;

B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;

C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices;

D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;

E. A sign in excess of three square feet, located upon a tree, or painted or drawn upon a natural feature;

F. An obsolete sign;

G. Portable signs, tent signs, inflatable signs, streamers, strings of lights, balloons, hulas, banners, pennants or vehicle mounted signs, excepting traditional holiday decorations;

H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;

I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction. This shall include signs placed on utility poles located within public right-of-way;

J. A sign not able to withstand a wind pressure of twenty (20) pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;

K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;

L. Any sign larger than four square feet on an undeveloped lot or parcel of property other than temporary signs as provided by this chapter;

M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;

N. Signs with rotating or moving parts, such as to provide two or three or more images or messages in sequence;

O. Electronic display signs, including any video display board of television quality in which the rate of

change is electronically programmed;

P. Signs with exposed lighting or neon tubes on the sign face in residential zones;

Q. Roof signs;

R. Off-premises signs;

S. Signs with light intensity in excess of the standards of the sign industry, as provided by the Oregon Electric Sign Association;

T. Hazards. No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

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### [Chapter 16.60SIGNS](#)

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#### **16.60.060 Signs not requiring a permit.**

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this section and are not illuminated:

- A. One or more temporary signs per street frontage of property under a single ownership provided such a sign(s) does not cause a public safety hazard or nuisance, has no more than two faces per sign, and the collective total sign face(s) does not exceed six square feet in area. In commercial and mixed-use zones, temporary signs may be a maximum of thirty-two (32) square feet;
- B. A single sign where the display surface area does not exceed two square feet;
- C. Window signs, up to nine square feet, situated on the indoor-side of a window or door in commercial and mixed-use zones;
- D. Signs attached to, or carried by, a person;
- E. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs;
- F. Temporary signs. (Ord. 310 Exh. A (part), 2005: Ord. 216 Exh. A (part), 2001)

## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.60 SIGNS](#)

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#### **16.60.065 General provisions.**

- A. Location. Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees.
- B. Vision Clearance Area. Signs may be located in the vision clearance areas provided they do not extend into the space between thirty (30) inches and ten feet in height measured from the top of the curb. When no curb is present, measurements shall be taken from the established centerline grade. The following shall be exempt from the clear vision areas:
1. Light and utility poles with a diameter less than two inches;
  2. An existing tree, trimmed to the trunk, twelve (12) feet above the curb;
  3. Official warning or street sign;
- C. Pedestrian Clearance Area. Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least ten feet from the surface of the walkway or path to the lowest portion of the sign.
- D. Signs Incorporated into Fences. Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.
- E. Copy. Copy shall be placed only on the sign face.
- F. Dedication of Right-of-Way. Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the city.
- G. Illumination.
1. Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from public right-of-way or from properties in residential planning districts.
  2. Neon lighting is the only permitted lighting for direct illumination. Neon, incandescent and fluorescent lighting are permitted for indirect or internal illumination.
  3. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from eight hundred (800) milliamperes fluorescent light sources spaced not closer than eight inches on center.
- H. Sign Maintenance and Repair. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired, or removed. (Ord. 310 Exh. A (part), 2005)



[Title 16 LAND DEVELOPMENT CODE](#)

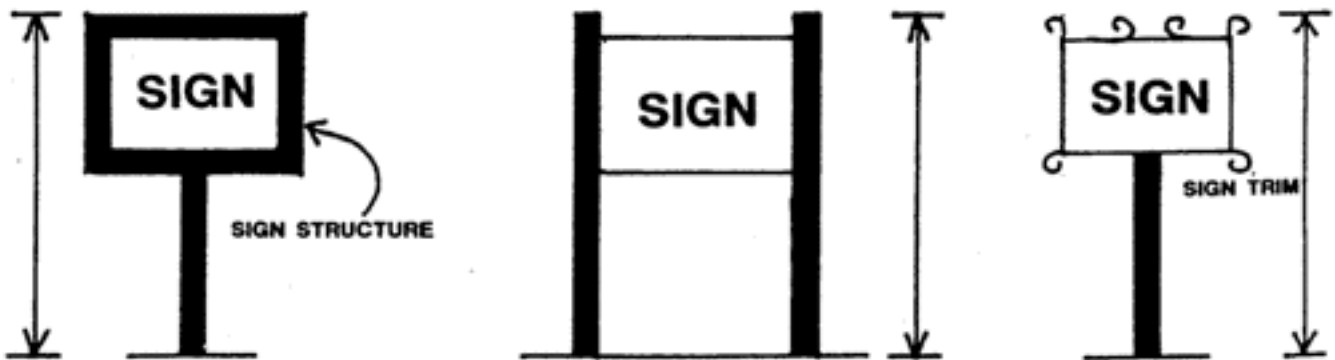
[Chapter 16.60SIGNS](#)

**16.60.068 Measuring signs and building/structure elevation**

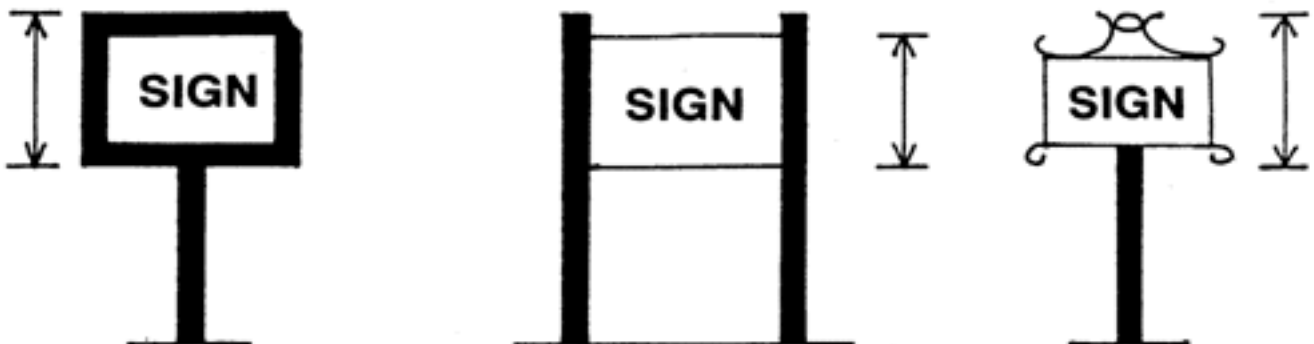
The diagrams provided in this section are intended for illustration only. Signs and building or structure elevations shall be measured as follows:

A. Freestanding Pole Signs.

1. Height of Sign: The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projections, decoration or trim of the sign face structure or pole.

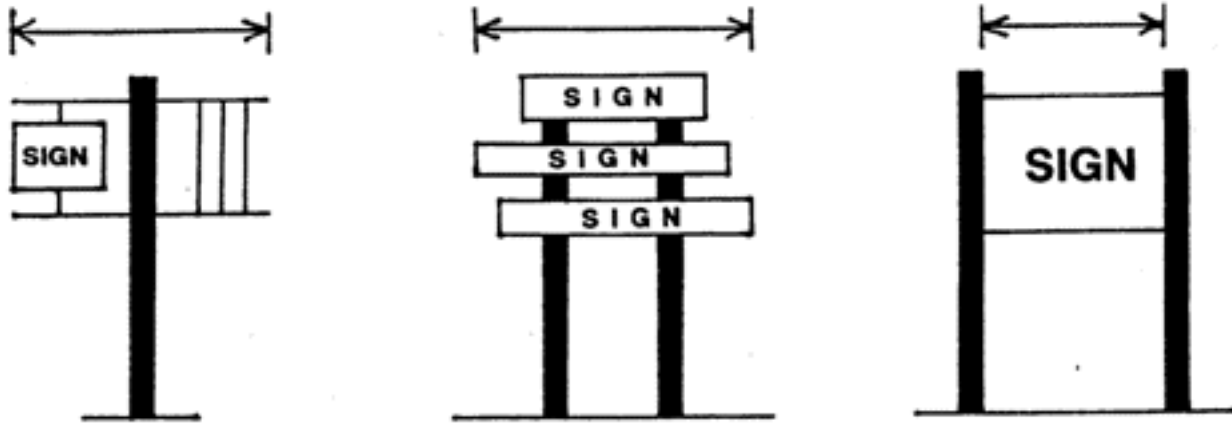


2. Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including the sign face structure and any projection, decoration or trim of the sign face or structure.

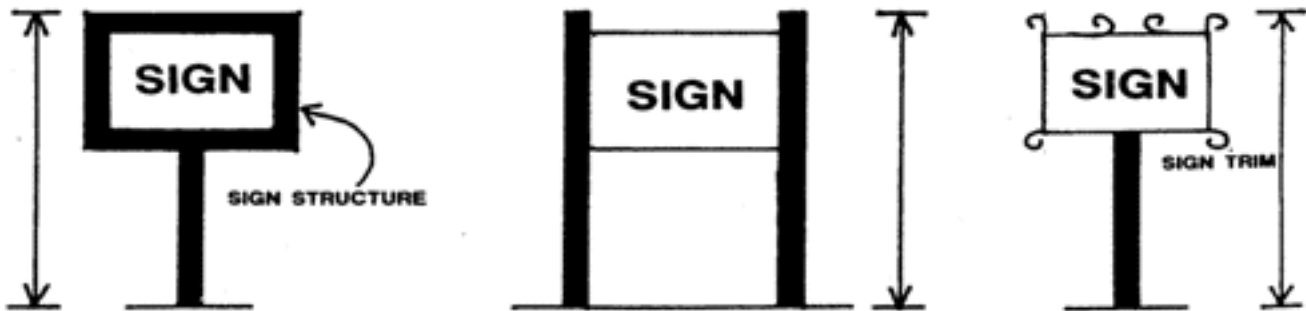




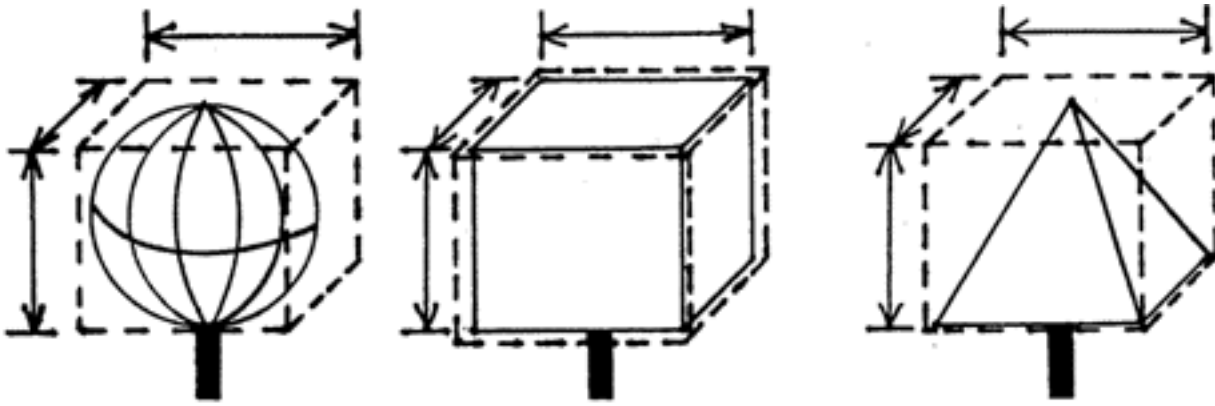
3. Width of Sign Face: The measurement shall extend from the outer edges side to side and include the structure projection, decoration or trim of the sign face or structure, but not the supporting pole.



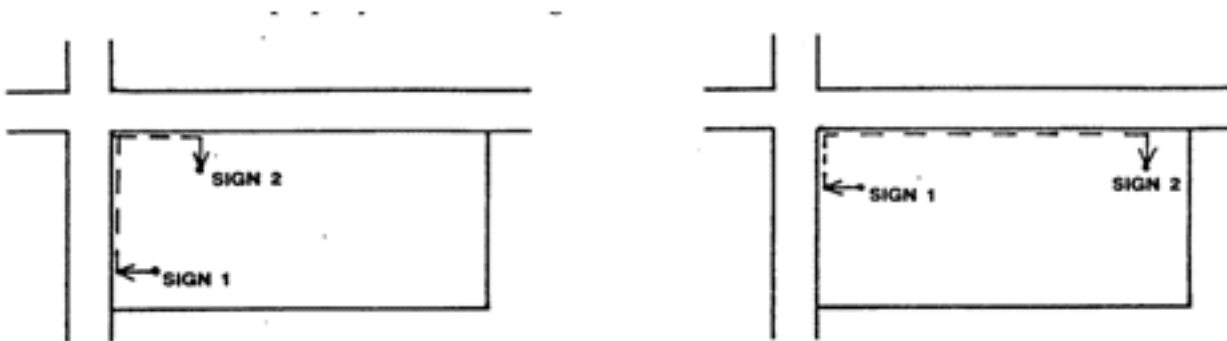
4. Sign Face Area, Single and Double-Sided Signs: Only one side of a sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face and any direct illumination on the sign pole, within not more than three squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.



5. Sign Face Area for Signs with more than Two Sides (multi-faceted signs): The measurement shall enclose the sign faces and structures, including any projection, decoration or trim of the sign faces and structures and any direct illumination of the sign pole, within a square or rectangle and summing the area of the six sides.

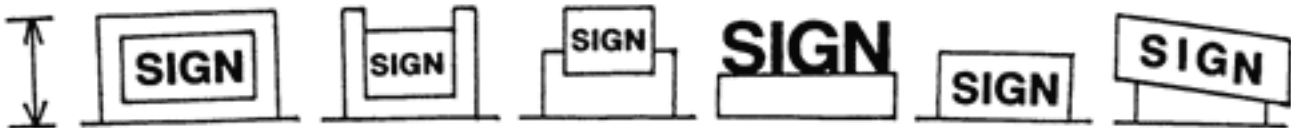


6. On-site Separation Between Signs: When freestanding signs are required to be separated by a specific distance from each other, the distance shall be measured beginning at the center of the footprint of one sign, then measuring by the shortest route to the nearest property line, then along the property line to the point on the property line nearest to the second sign and then by the shortest route to the center of the footprint of the second sign. If the above directions result in two or more different measurements, the shortest shall be used.

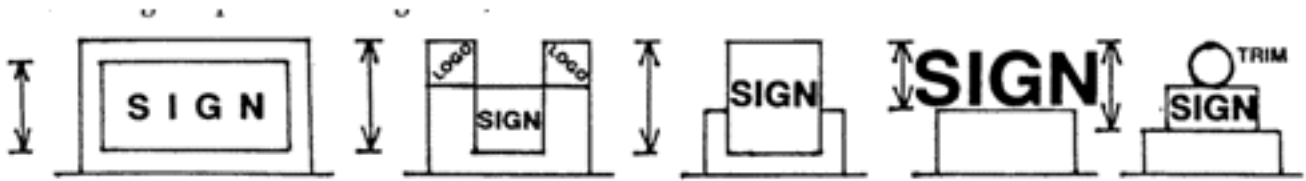


B. Freestanding Monument Signs.

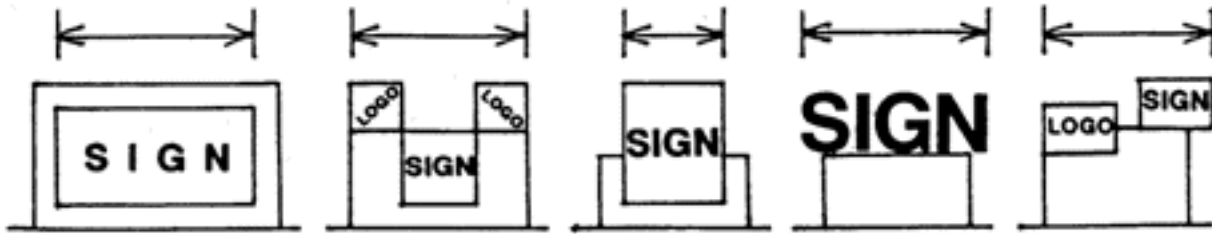
1. Height of Sign: The measurement shall be from the grade to the highest point of the sign, including the sign face, structure and any projection, decoration or trim of the structure.



2. Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration or trim of the sign face.

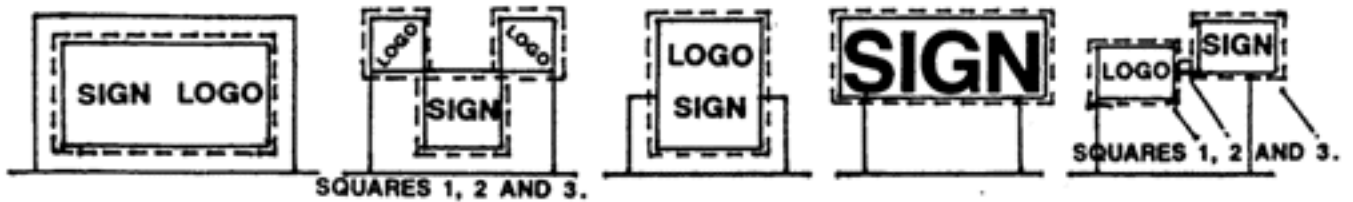


3. Width of Sign Face: The measurement shall be from the outer edges side to side and include any projection, decoration, or trim of the structure.

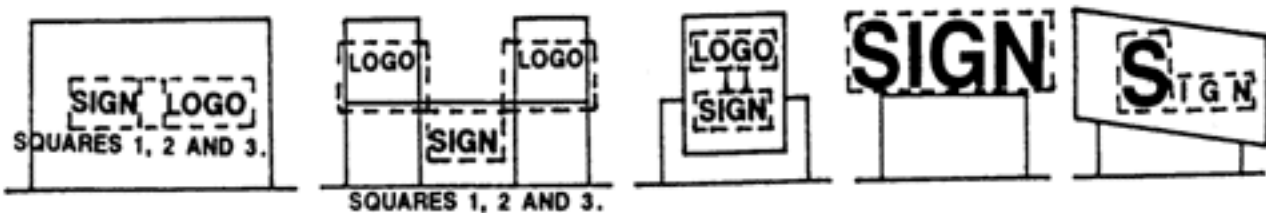


4. Sign Face Area: Only one side of the sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face, within not more than three squares or rectangles may be rotated. The minimum dimensions of a square or rectangle connecting two sign faces is one foot.

**CABINETS**



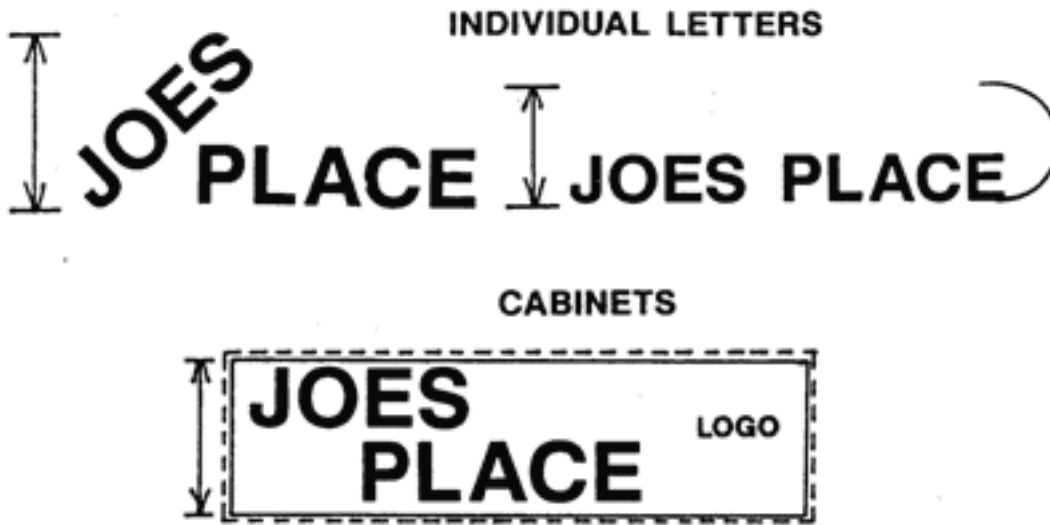
**INDIVIDUAL LETTERS**



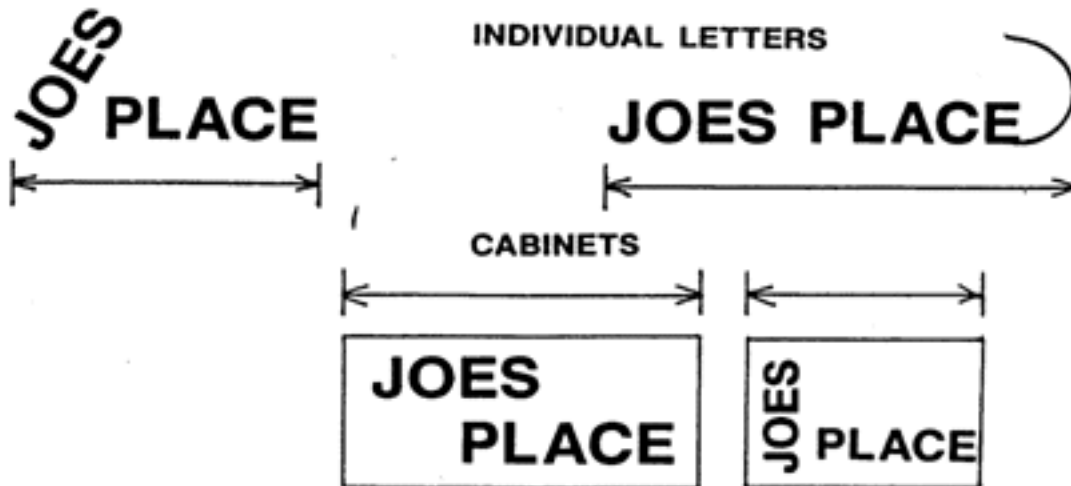
5. On-site Separation Between Signs: See Section (A)(6) above.

C. Wall Signs:

1. Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration, individual letters, cabinet or trim of the sign face.



2. Width of Sign Face: The measurement shall extend from the outer edges side to side and shall include any projection, decoration or trim of the sign face.



3. Sign Face Area: The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face, within not more than three squares or rectangles or both which touch and sum of the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.

### INDIVIDUAL LETTERS

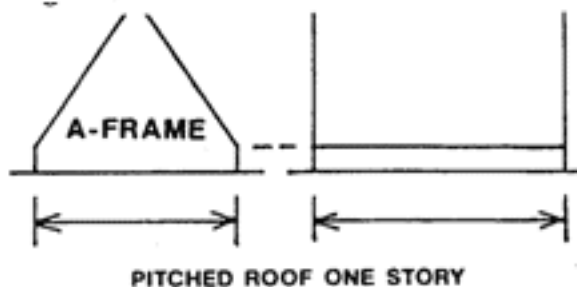
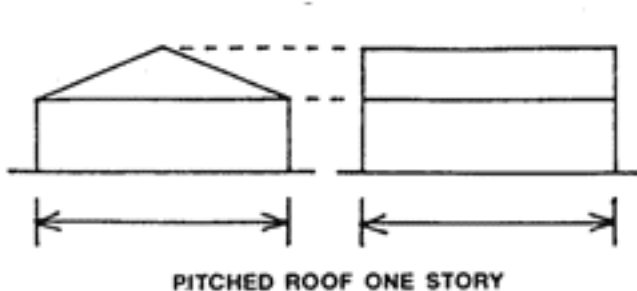
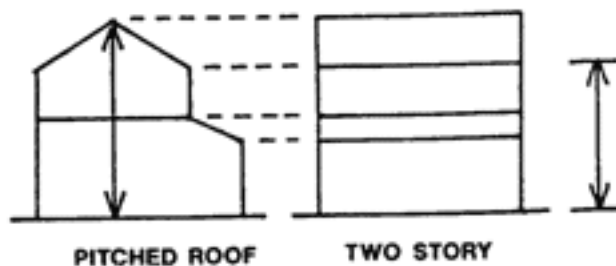
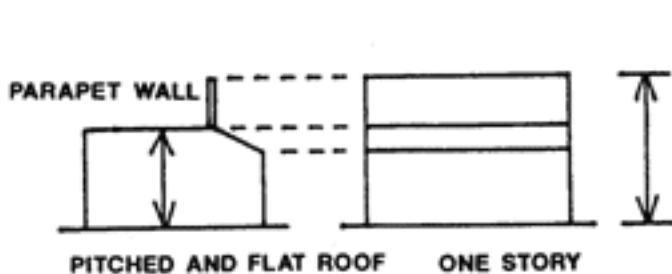
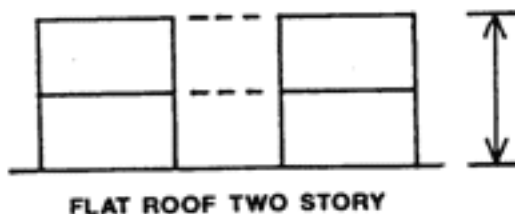


### CABINETS

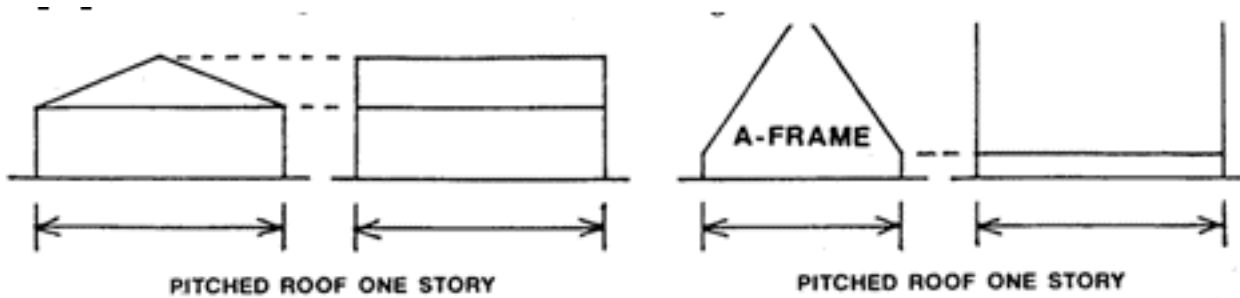


4. Building and Structure Elevations: The measurement shall be of the tenant's owned or leased wall and from the perspective of an architectural elevation.

i. Height of Elevation: The measurement shall be from the grade to the highest point, except flagpoles and similar spires, of the building or structure wall, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them as shown below.



ii. Width of Elevation: The measurement shall be from the outer edges side to side, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them. The following figures illustrate the methods.



(Ord. 310 Exh. A (part), 2005)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.60SIGNS

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#### **16.60.070 Signs in residential zones.**

A. Signs Allowed. In the MUR, VTH, R-7, R-8.5, R-10, R-15, R-20, and R-40 zones, the following signs are allowed:

1. Monument Signs.

i. The sign shall be a permanent monument sign;

ii. Signs are only allowed in a recorded subdivision that has been given approval through the planning process of the city of Happy Valley;

iii. Signs shall be located on private property, at a subdivision entrance or on a private tract median island within the public right-of-way;

iv. Only one sign per public street entrance is allowed;

v. No more than two sides are allowed;

vi. Signs shall not extend any higher than six feet above grade, unless located in a private median tract, in which case the height shall not exceed two and one-half feet. In all cases, signs shall comply with the clear vision requirements;

vii. When a sign is located in a private median tract, the width of the sign shall not exceed fifty percent (50%) of the width of the median measured from curb to curb or, where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median;

viii. Sign face area shall not exceed sixty (60) square feet. Sign area shall not exceed twenty (20) feet in length and six feet in height;

ix Indirect illumination is allowed, unless the sign is located in a median, in which case no illumination is allowed;

x. There shall be a minimum of one hundred (100) feet separation from other subdivision signs and all other permanent signs, with the exception of directional signs;

xi. All required permits shall be obtained prior to placement of sign.

2. Temporary Signs.

i. Temporary signs shall not be internally or externally illuminated;

ii. Temporary signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs (please see definitions section for description);

iii. Temporary signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation;

- iv. Temporary signs shall not be attached to fences, trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractive character to motorists of any such device or the cumulative effect of all such devices;
- v. Temporary signs shall not exceed thirty-two (32) square feet;
- vi. Temporary signs on a property being offered for sale shall be removed within thirty (30) days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within twelve (12) days after an election;
- vii. All required permits shall be obtained prior to placement of sign. (Ord. 310 Exh. A (part), 2005: Ord. 216 Exh. A (part), 2001)



## [Title 16 LAND DEVELOPMENT CODE](#)

### [Chapter 16.60SIGNS](#)

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#### **16.60.075 Signs in Institutional and Public Use (IPU) zone.**

A. Signs Allowed. In the IPU zone the following signs are allowed.

##### 1. Freestanding Signs.

- i. Freestanding signs shall be supported by no more than two poles, posts, columns, or similar supports. Guy wires and similar stabilization methods are not permitted;
- ii. The poles, posts, columns, or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted;
- iii. The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s);
- iv. The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than twenty-five percent (25%) of the sign face's width;
- v. The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up);
- vi. No portion of a freestanding pole sign shall extend on or over a building;
- vii. The surface display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face;
- viii. The faces of two-sided pole signs shall be parallel to each other;
- ix. All required permits shall be obtained prior to placement of sign.

##### 2. Monument Signs.

- i. Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible;
- ii. No more than two sides are allowed;
- iii. Signs shall not extend any higher than six feet above grade;
- iv. Signs shall not exceed sixty (60) square feet in area;
- v. Only indirect or internal illumination is allowed;
- vi. Signs shall be placed in accordance with the clear vision area;
- vii. All required permits shall be obtained prior to placement of sign.

##### 3. Wall Signs.

- i. Display surface area shall not exceed two square feet for each lineal foot of the wall on which the

sign is erected;

- ii. One sign per each owned or leased wall is permitted. This shall not exceed four walls of a building;
- iii. No more than one side is permitted for each sign;
- iv. Indirect or internal illumination is permitted;
- v. All required permits shall be obtained prior to placement of sign.

#### 4. Temporary Signs.

- i. Temporary signs shall not be internally or externally illuminated;
- ii. Temporary signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs (see Definitions, Section 16.60.020 of this chapter for description);
- iii. Temporary signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip, or otherwise become unsightly during the period of installation;
- iv. Temporary signs shall not be attached to trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractive character to motorists or any such devices or the cumulative effect of all such devices;
- v. Temporary signs shall not exceed thirty-two (32) square feet. (Ord. 310 Exh. A (part), 2005)

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### Chapter 16.60SIGNS

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#### **16.60.080 Signs in mixed-use zones.**

A. Signs Allowed. In mixed-use zones (MUE and MUC), the following signs are allowed:

1. Wall signs.

- i. Display surface area shall not exceed two square feet for each lineal foot of the wall on which the sign is erected;
- ii. One sign per each owned or leased wall is permitted. This shall not exceed four walls of a building;
- iii. No more than one side is permitted for each sign;
- iv. Indirect or internal illumination is permitted;
- v. All required permits shall be obtained prior to placement of sign.

2. Free-standing and monument signs, so long as a permit is first obtained as required by this chapter and the following standards are met:

i. Number. One sign shall be permitted for each street frontage of premises, provided minimum lot frontage of thirty (30) feet is met. No sign shall be permitted on the same frontage where there is a projecting or roof sign. Signs on the same premises but on different frontages shall be separated by a minimum of fifty (50) feet distance.

ii. Area.

- a. Where the street frontage is less than fifty (50) feet, the maximum display surface area shall not exceed fifty (50) square feet, with twenty-five (25) square feet maximum area per sign face;
- b. Where the street frontage is greater than fifty (50) feet but less than two hundred (200) feet, surface display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face;
- c. Where the street frontage is two hundred (200) feet or greater, the surface display area shall not exceed two hundred (200) square feet, with a maximum area of one hundred (100) square feet per sign face;
- d. In no case shall any sign have a surface display area in excess of two hundred (200) square feet.

iii. Projection. Free-standing signs shall not project over a public right-of-way;

iv. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet over areas of truck access;

v. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty (20) feet for any free-standing sign;

vi. Height. The height of any free-standing or monument sign shall not exceed ten feet above grade, plus five feet for each two hundred (200) feet, or portion thereof, of street frontage. In no event shall

any sign exceed fifteen (15) feet in height;

vii. Illumination. Indirect or internal illumination is permitted.

3. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:

i. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing sign;

ii. Area. Sign area shall not exceed sixteen (16) square feet per sign face, with total area of all faces not to exceed thirty-two (32) square feet;

iii. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line;

iv. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support;

v. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet over areas of truck access;

vi. Separation. The minimum distance from another projecting sign shall be twenty (20) feet in the same horizontal plane;

vii. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet.

4. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained as required by this chapter. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two (32) square feet, and no sign face shall exceed sixteen (16) square feet.

5. For multiple businesses in a shopping center, multiple businesses sharing common off-street parking facilities, or for multiple businesses with the same property owner, all of which are located on one or more contiguous lots, the maximum number of signs allowed shall be one wall sign per business and one freestanding sign for the entire property. Signs shall be in conformance with standards as set forth above. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

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#### **16.60.085 Signs in Sunnyside Village.**

##### A. Village Townhouse (VTH).

See Section 16.60.070, Signs in residential zones.

##### B. Village Commercial (VC).

1. South of the designated accessway, only hanging, onbuilding, or monument signs shall be used. Hanging signs shall be eight sq. ft. maximum, with eight-foot pedestrian clearance.

##### C. Village Office (VO).

1. Signs in the village office district shall have a maximum of two colors in addition to black and white.

2. Only hanging, onbuilding, or monument signs shall be used. Hanging signs shall be eight sq. ft. maximum, with eight-foot pedestrian clearance. Monument and onbuilding signs twenty-four (24) sq. ft. maximum.

3. Except for neon signs, all illumination shall be external. (Ord. 310 Exh. A (part), 2005)

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#### **16.60.087 A-frame signs.**

A. Within all mixed use employment and mixed use commercial zones, A-board signs shall be permitted subject to the following criteria:

1. May be displayed outdoors during business hours only and shall be removed at the end of the business day.
2. The sign is placed within four feet of the main entrance to the building or individual business entry.
3. Sign placement shall not interfere with pedestrian or vehicular traffic nor with on-street parking and shall have a minimum of five feet of unimpeded pedestrian sidewalk maneuvering space for accessibility. It shall not extend into clear vision areas or vehicular circulation areas. The sign shall not be attached to fences, trees, shrubbery, utility poles or like items and shall not obstruct or obscure primary signs on adjacent premises.
4. Sign area is limited to twelve (12) square feet per face.
5. The applicant provides a notarized statement acceptable to the city assuming liability for a sign on a public sidewalk.
6. No more than one sign per street level business is permitted.
7. Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
8. Shall be non-illuminated. (Ord. 310 Exh. A (part), 2005

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#### **16.60.090 Nonconforming signs and their removal.**

A. Signs lawfully erected and maintained as of the date of the adoption of this section, but which do not meet the requirements of this chapter, shall be regarded as nonconforming signs which shall be lawful if a permit for the same is obtained under this section and may be continued for a period not to exceed ten years from the date of adoption of this section for the purpose of amortization of investment. Relief from this provision may be sought from the planning commission by following the variance procedures of Chapter 16.24 of this code for a longer amortization period, upon a showing that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred (300) square feet.

B. Signs located on premises annexed into the city after the effective date of the ordinance codified in this section and which signs do not comply with the provisions of the ordinance codified in this section, shall be brought into compliance with the ordinance codified in this section within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty (30) days of annexation, request a variance as provided in subsection A of this section.

C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty (30) days of annexation, request a variance as provided in Chapter 16.28.

D. All existing signs or portions thereof prohibited in Section 16.60.050, except as provided in subsection A of this section, shall be removed or altered to comply within six months from the date of adoption of this chapter.

E. Within one year from the date of adoption of this chapter, the sign official or an authorized representative may inspect any sign regulated hereunder. The sign official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those signs which, in the opinion of the sign official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The sign official may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.

F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to code enforcement procedures of the city. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

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**16.60.100 Conflict and severability.**

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)



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**16.60.110 Violation—Penalty.**

- A. In addition to any other provisions hereof, it is unlawful and a public nuisance for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of the city.
- B. Signs in violations of this chapter which create a safety or traffic hazard, are located within the public right-of-way, or are located on a utility pole within the public right-of-way may be removed by the city without prior notice and are subject to the code enforcement procedures of the city. (Ord. 310 Exh. A (part), 2005; Ord. 216 Exh. A (part), 2001)

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**Chapter 16.64 MODEL HOMES**

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**16.64.010 Purpose.**

This chapter permits construction of model homes in conjunction with preliminary approval of a residential subdivision pursuant to Section 16.16.100(D) of this title. (Ord. 261 Exh. A (part), 2003)

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**16.64.020 Definition.**

“Model home” means a structure constructed as and intended to be occupied as a residential dwelling unit that is temporarily used as an example of the type of residential dwelling units to be constructed in a subdivision, is open to the public for that purpose and may include a real estate sales office. A model home is a temporary non-residential use and may not be used as a real estate sales office except in conjunction with the sale of lots and homes in the residential subdivision in which it is located. (Ord. 261 Exh. A (part), 2003)

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**16.64.030 Process.**

A model home may be approved by the planning commission concurrently with an application for preliminary approval of a residential subdivision or subsequent to preliminary approval of a residential subdivision, following expiration of any appeals to the city council and if applicable the Land Use Board of Appeals and prior to final plat approval. The request for construction of a model home will be processed consistent with the administrative procedures required for the subdivision application provided under Chapter 16.16 where applicable. (Ord. 261 Exh. A (part), 2003)

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### Chapter 16.64 MODEL HOMES

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#### **16.64.040 Approval criteria.**

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

- A. The lot and home foundation for the proposed model home must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with state law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of the underlying development district pursuant to Chapter 16.12 or as otherwise provided in this title.
- B. The proposed model home shall be in compliance with all applicable dimensional requirements including but not limited to maximum height, maximum lot coverage, minimum setbacks and minimum lot size.
- C. Adequate parking shall be available to serve the model home site. No model home may be occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home.
- D. Adequate emergency vehicle access shall be provided to each model home lot, as approved by the city public works director.
- E. Adequate water supply for fire fighting, as approved by the city public works director, shall be provided to each model home lot prior to installation of combustible materials.
- F. All required public and private utilities within the public right-of-way or private street shall be installed and at least a first lift of asphalt provided to the model home lot prior to occupancy of the model home. All utility installation must be inspected and approved by the city consistent with this title. This provision is in addition to any other requirements for public utility improvements as may be provided in this title or other applicable law.
- G. The number of model homes in a residential subdivision may be allowed as follows:
1. Between one and fifty (50) residential lots, one model home;
  2. Between fifty-one (51) and one hundred (100) residential lots, two model homes;
  3. Between one hundred one (101) and one hundred ninety-nine (199) residential lots, three model homes;
  4. Two hundred (200) or more residential lots, four model homes.
- H. If more than one model home is proposed, the lots on which the model homes are to be located shall be contiguous to one another and within the first phase of development.

I. No variances under Chapter 16.28 shall be permitted to accommodate the model home.

J. The applicant and the city have entered into the agreement required by Section 16.64.050. (Ord. 261 Exh. A (part), 2003)

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#### **16.64.050 Agreement required.**

Prior to issuance of any building permit for a model home, the applicant and the city shall enter into an agreement as approved by the city attorney. The agreement shall at a minimum include language that is substantially similar to the following:

- A. The applicant agrees to provide financial security to correct any violations of the preliminary approval, or the Happy Valley Development Code resulting from construction of a model home. The financial security shall be in an amount approved by the public works director based on the estimated costs necessary to demolish, relocate, remove or such other remedial action as may be required by the city to correct a potential violation. In no case shall the security be less than fifty (50) percent of the approximate value of the home and the lot as determined by the city.
- B. The applicant and any person or entity with an interest in or option on the property agree to defend the city from any and all third party liability which in any way arises from the city's approval of a model home.
- C. The applicant and any person or entity with an interest in or option on the property agree to waive any and all claims against the city for approving a model home under this chapter.
- D. The applicant and any person or entity with an interest in or option on the property agree to correct any violations consistent with Section 16.64.060.
- E. The applicant and any person or entity with an interest in or option on the property agree to allow the city to enter onto the property and take any remedial action on the lot as may be required by Section 16.64.060.
- F. The applicant and any person or entity with an interest in or option on the property agree to waive any right to a claim against the city for any remedial action taken including but not limited to use of the security provided for such remedial action.

The city may include additional language in the agreement as needed to address issues on a case-by-case basis. A copy of this agreement shall be provided by the applicant to any subsequent purchaser of the property prior to entering into an agreement to purchase the property. (Ord. 261 Exh. A (part), 2003)



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**16.64.060 Remedial action.**

In the event the city determines the model home has encroached on a property line or violated any applicable standards, the following steps shall be taken to correct the violation:

- A. The city shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The city may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat or the termination of the model home approval as set forth in Section 16.64.060.
- B. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the city in writing.
- C. In the event the applicant fails to correct the violation to the satisfaction of the city within the time provided in the notice, the city may at its discretion use the security provided pursuant to Section 16.64.050(A) for purposes of correcting the violation.
- D. The city will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the city shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected. (Ord. 261 Ex. A (part), 2003)

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**16.64.070 Termination of model home approval.**

The model home use shall be discontinued no later than two years from the date of the recording of the final plat of the entire subdivision or, where there is phasing, the first phase of the subdivision. Approval may be extended for a maximum of one additional year by the community development director with the concurrence of the building official and public works director. (Ord. 261 Ex. A (part), 2003)

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**Chapter 16.65 EAGLE LANDING SUB-AREA PLAN**

[16.65.010 Purpose.](#)

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[Chapter 16.65 EAGLE LANDING SUB-AREA PLAN](#)

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**16.65.010 Purpose.**

The purpose of this chapter is to accommodate the annexation and subsequent development of sections of the greater Eagle Landing Area not already developed within Clackamas County, within the city limits of the city of Happy Valley. To this effect, conditions of approval associated with former land use approvals granted by Clackamas County must be modified to reflect the authority of Happy Valley (design review, building permits, etc.), while yet incorporating facets of Clackamas County approval, particularly related to street design and connections. The Eagle Landing Sub-Area Plan provides a comprehensive, single source of review processes and development standards in order to accommodate efficient design review, thereby providing the opportunity for build out of the Eagle Landing development within the city of Happy Valley. (Ord. 317 Exh. A (part), 2005)

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### Chapter 16.65 EAGLE LANDING SUB-AREA PLAN

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#### **16.65.020 Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

“Eagle Landing Phase I” means the ninety-two (92)-acre site that comprises the Eagle-Landing PUD approved under Clackamas County Case No. Z0840-03-SL and the Eagle Landing Plat recorded as Document No. 2004-60414.

“Eagle Landing Phase II” means the nineteen and four tenths (19.4)-acre site that comprises the Mt. Scott Village PUD approved under Clackamas County Case No. Z0563-99-SL. The development is located at 11360 SE Stevens Road, east of Stevens Road and north of the Gethsemani Cemetery; and is further described as Clackamas County Assessor Map No. 1S-2E-33AD: Tax Lots 1100 and 1200.

“Phase A of Eagle Landing Phase I” means development to include the golf course, up to three hundred thirty-five thousand (335,000) square feet and twenty percent (20%) of retail in the OC zoned area, eighty-nine (89) dwelling units in the R-7 zoned area, and up to two hundred and three (203) dwelling units in the MR-2 zoned area.

“Phase B of Eagle Landing Phase I” means development to include up to an additional four hundred fifteen thousand (415,000) square feet of office and service commercial space and one hundred and eight (108) multi-family dwelling units in the HDR zoned area. (Ord. 317 Exh. A (part), 2005)

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Chapter 16.65 EAGLE LANDING SUB-AREA PLAN

**16.65.030 Development standards and conditions.**

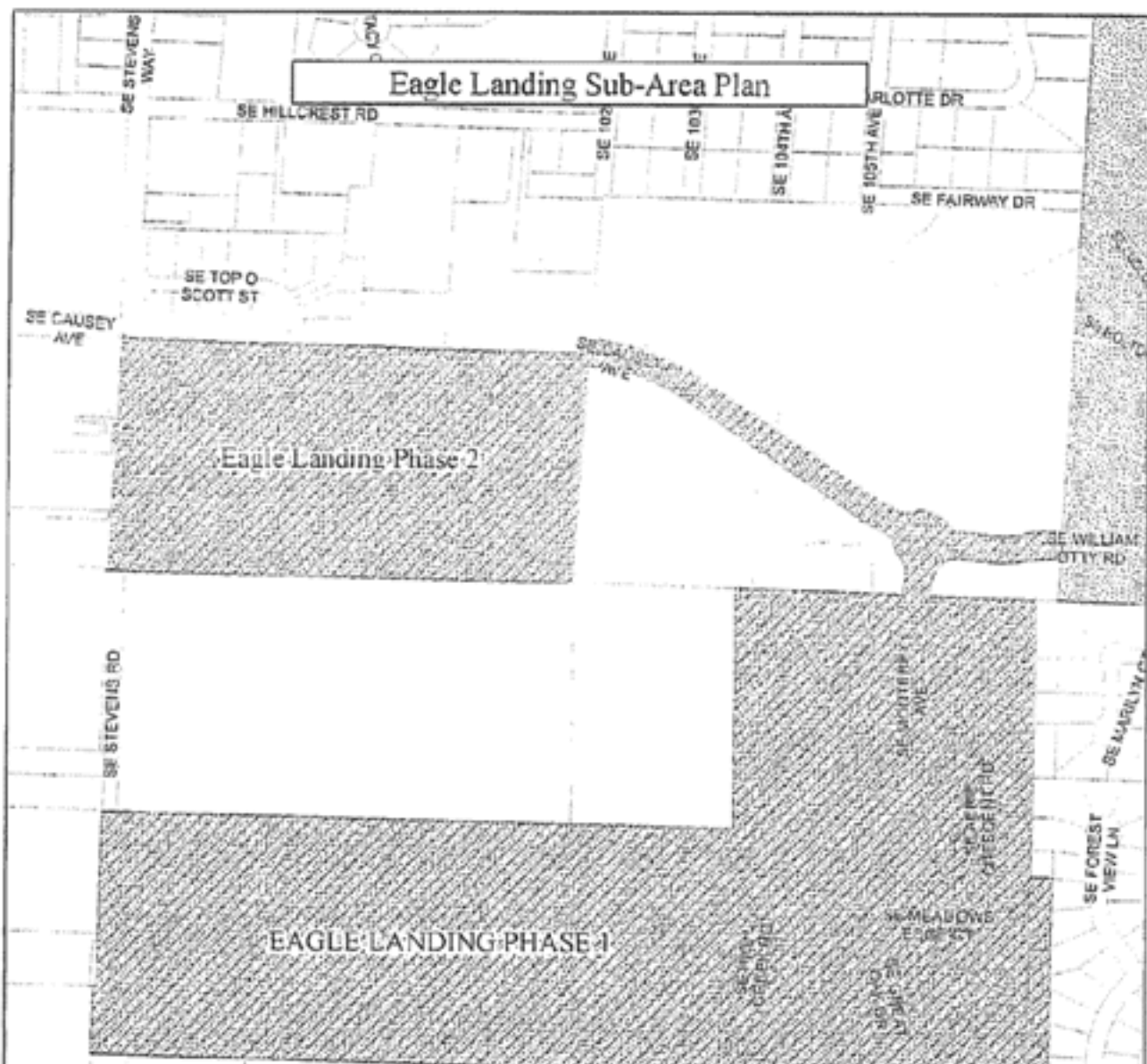
The following development standards and conditions shall be utilized as specific review criteria for land use applications within the Eagle Landing Sub-Area Plan, illustrated with-in Figure 1.1.

A. Standards and conditions associated with the development of Eagle Landing Phase I:

1. Master Plan Approval (Clackamas County Case No. Z0227-03-AA):

City of Happy Valley Staff Report  
LDO-07-05 (Eagle Landing Sub-Area Plan)

August 23, 2005



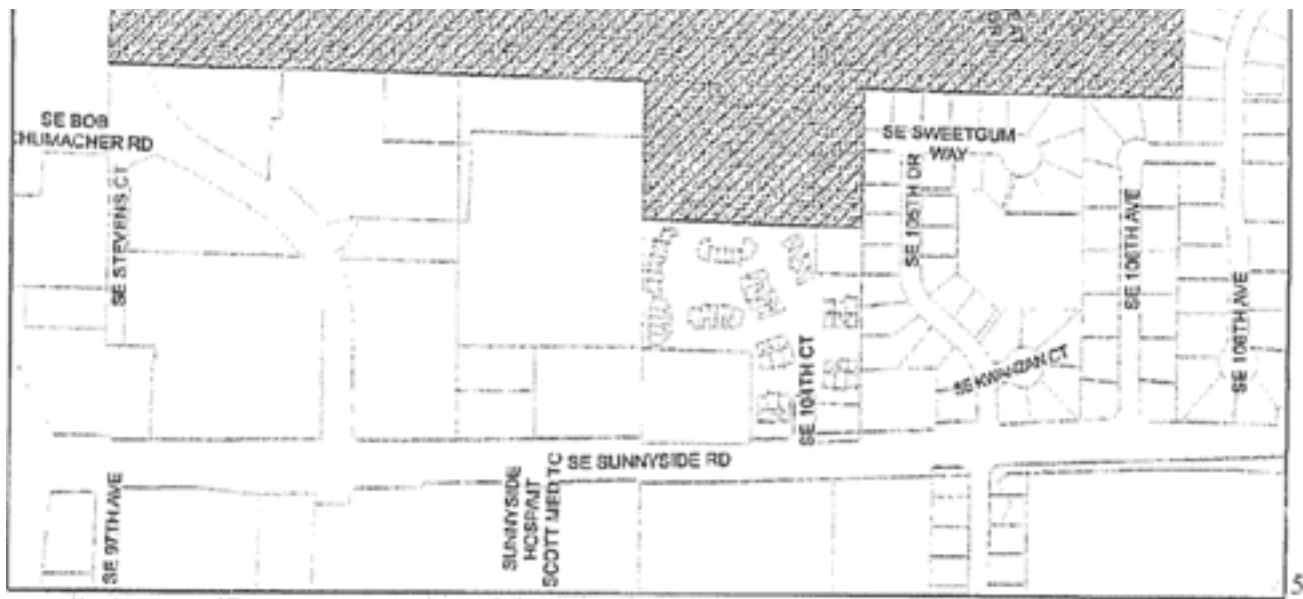


FIGURE 1.1

a. Development of a public plaza area is a required improvement for the project. The master plan shows the general location of this improvement, with associated pedestrian connections. Final design of the public plaza shall be subject to design review. Said design review approval must be in conjunction with one or more of the construction phases. The village center and public plaza shall be constructed as comparable improved public access open space to that illustrated within the original master plan, within the project at one or more locations within the OC site. Construction of the plaza shall be completed prior to occupancy of any development in Phase B of Eagle Landing Phase I, and prior to occupancy of any of the service commercial development located in the Village Center Area, and within one year of issue of final occupancy permits for more than one hundred and fifty (150) units within the MR-2 area, whichever occurs first.

## 2. PUD Approval (Clackamas County Case No. Z0840-03-SL):

a. All structures on, and uses of, the individual lots and tracts shall conform to the requirements of the underlying zoning district and these conditions of approval as modified by the provisions of ZDO Section 1013 pertaining to Planned Unit Developments. In addition, the following uses are permitted within the OC zone: grocery; condominiums; office; general retail; free-standing restaurants; bookstores; hotels and associated hotel facilities; health and recreational facilities; structured parking; civic buildings; and, a village center. The retail use area (up to twenty percent (20%) of the total approved building footage in the OC zone) may be developed during any construction phase for the OC zoned land. Nothing in this approval shall be construed to allow any use or structure that is not specifically permitted in the underlying zoning districts, as modified by this condition.

b. All development of the individual lots and tracts is subject to the provisions of the underlying zoning district (as modified above), Section 1013 and the development standards contained in Section 1000 of the ZDO and those other relevant codes and ordinances adopted by the board of county commissioners pursuant to subsection 1001.03 of the ZDO, including, but not limited to, the county roadway standards, county excavation and grading ordinance, Oregon One and Two Family Dwelling Code, Oregon Manufactured Home Standards, Oregon Structural Specialty Code, etc.

c. The conditions of approval of the Master Plan approval, County Planning File No. Z0227-03-AA, shall be satisfied and are applicable to the planned unit development.

- d. Design review approval is required prior to the commencement of development on Lots 1 through 7, 81 and 82.
- e. Alternative ownership of the various tracts; e.g. conveyance to the North Clackamas Parks and Recreation District or an acceptable non-profit conservation organization may be accepted by the community development director provided the conveyance acknowledges any and all use restrictions contained herein or otherwise required by agency requirements.
- f. All future grading, filling, and excavation done in conjunction with any development shall be in accordance with city standards.
- g. An erosion control permit shall be obtained from the Clackamas County Service District No. 1 (CCSD#1) prior to the start of any grading, filling, land clearing, or tree removal within the subject property.
- h. This development is subject to the provisions of ZDO 1006.02B pertaining to the provision of water service to the proposed lots. Water service shall be provided according to the provisions of ORS 92.090. The subject property is within the service area of the Sunrise Water Authority. The extension of water mains, location of fire hydrants, etc. shall be coordinated with the extension of other required utilities and shall be installed in accordance with the requirements of the Sunrise Water Authority.
- i. This development is subject to ZDO 1006.02C, which requires that all development that has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, the installation of all new utilities shall be installed underground.
- j. Streetlights are a requirement for the subdivision. This requirement applies to the public and private streets within the development. The developer must make arrangements for the installation and maintenance of streetlights with the power company and the CCSD#5/DTD and pre-wire for acceptance of these streetlights. The developer must also submit an application by letter to the county department of transportation and development/CCSD#1 for the installation of the streetlights and annexation into the street light district (contact: Kevin Noreen, 503-353-4699).
- k. The subject property is within the Clackamas County Fire District No. 1 (CCFD #1). All development is subject to the District's standards pertaining to emergency vehicle access, fire fighting water supply (fire hydrants), premises identification numbering and other relevant standards.
  - i. Firefighting water supply shall meet the fire flow requirements of the fire district for all structures, and shall provide fire hydrants to within two hundred and fifty (250) feet of all parts of the structures as approved by the fire district. Maximum spacing between hydrants shall not exceed five hundred (500) feet. Additional fire hydrants may be required when the fire district has determined that there are additional hazards present that can compromise fire and life safety.
  - ii. The applicant shall obtain a stamp of approval from Clackamas County Fire District No. 1 that demonstrates fire code access and water supply requirements will be satisfied.
- l. The development is subject to the provisions of Section 1008, the county roadway standards, and the surface water rules and regulations of CCSD#1 for storm water management systems. The CCSD#1 has submitted comments containing the following requirements:
  - i. The development is subject to the rules and regulations and standard specifications of CCSD#1 for surface water management systems.
  - ii. The costs of the storm sewer systems shall be borne entirely by the developer. Each lot is subject to the current rates for surface water System Development Charges (SDC). These fees shall be paid



prior to the issuance of building permits.

iii. This development is subject to a minimum surface water plan review fee of two hundred and fifty dollars (\$250.00) and four hundred and fifty dollars (\$450.00) for erosion control plan review. Plan review fees are due with the first submittal for plan review.

iv. The development is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit 1200-C since more than one acre of land is disturbed. NPDES permits are issued by Water Environment Services. Forms for the NPDES permit are available on the WES Website: <http://www.co.clackamas.or.us/wes/>. A Land Use Compatibility Statement from DEQ is also required to be completed and the forms are available at the DEQ Website: <http://www.deq.state.or.us/pubs/permithand-book/generallucs.pdf>.

v. Storm drainage detention calculations shall be performed using the King County method (SBUH hydrograph — software version 4.21B or higher). The detention requirement is to reduce the two-year developed discharge to one-half of the pre-developed rate.

vi. If any portion of the surface water runoff will be disposed of in an underground injection system (as defined in OAR 340, Division 44), the system shall be registered with the Oregon Department of Environmental Quality. Any additional State permit requirements will be determined at that time.

vii. Water quality requirements shall be met. Facilities shall be designed to treat the runoff from rainfall up to the amount of two-thirds of a two-year storm.

viii. Stormwater infiltration shall be provided. Infiltration systems shall be sized with sufficient capacity to infiltrate up to the one-half inch of rainfall in a twenty-four (24)-hour period.

ix. All springs, seeps, wetlands, sensitive areas, and required buffers shall be clearly shown and noted on the plans and identified by a certified professional. In addition, the location of structures must be shown on the plans so that potential stormwater impacts can be effectively evaluated.

x. Where drainage systems of catch basins and pipes are available, all drains that extend to the curb must be directly connected to the storm system. Roof and foundation drains from new homes in the development and provisions to tie into a storm sewer system, infiltrators or into the street gutter shall be shown on the plans. If roof and foundation drains are run to streets, gutter elevations must be shown on the storm drainage plans.

xi. The plans currently show eight to ten possible sites for detention. This will increase the cost of maintenance. The developer shall research the potential to reduce the number of sites and locate sub-regional detention facilities for the entire site. As each site develops, an assessment could be levied to each development as a fair contribution to the design and construction of the sub-regional detention facilities. The applicant shall provide four to five detention facilities instead of the eight to ten currently proposed, or propose some other method for WES review and approval.

xii. The storm water detention facilities shall be located in such a way that adequate vehicular access for maintenance is provided.

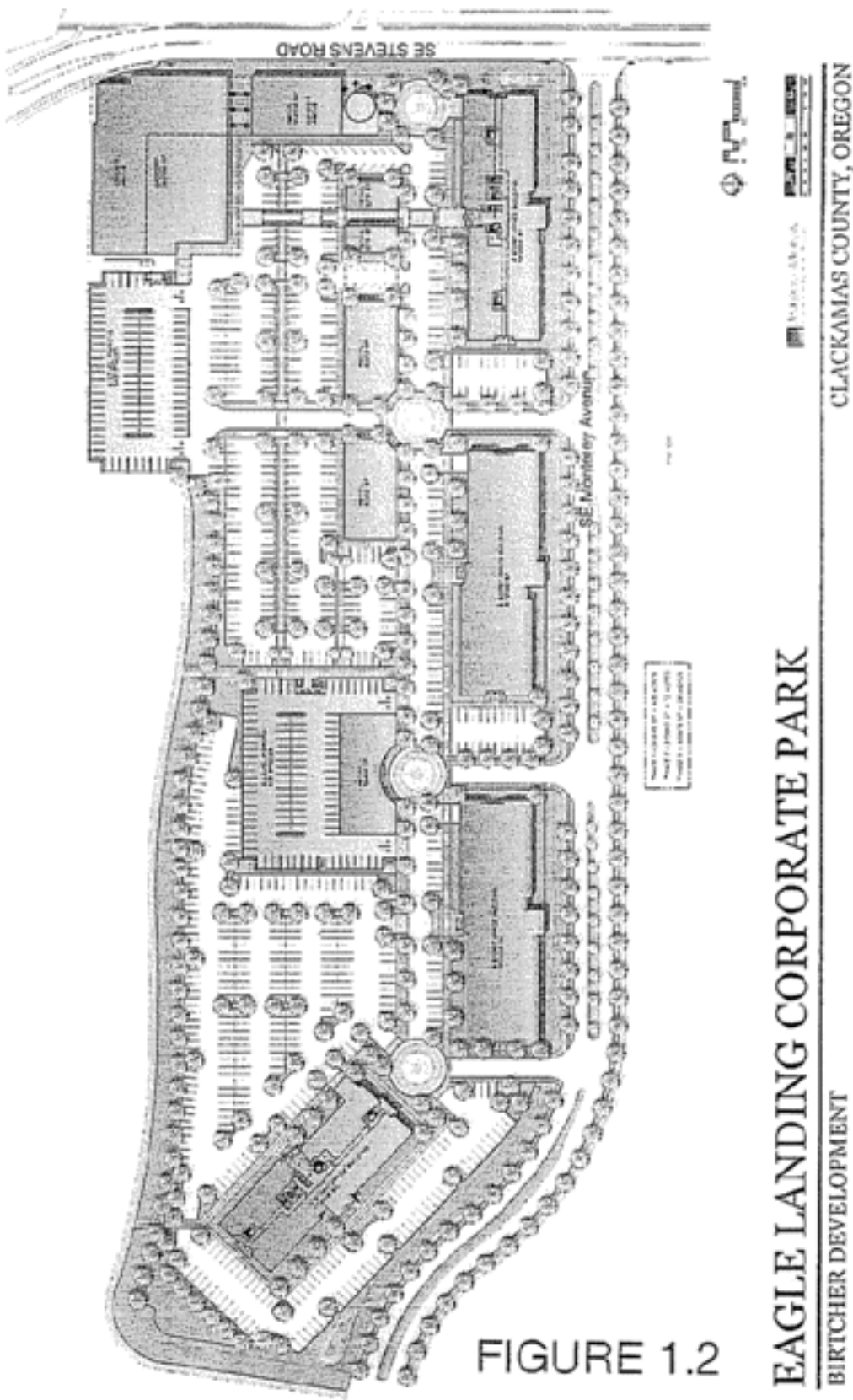
xiii. A site-specific drainage plan to control storm water is required for the proposed pedestrian paths within the PUD area. The storm-water facilities are required to be installed in an easement or a tract, acceptable to WES. The applicant shall submit drainage plans for the pedestrian paths that include a ditch/bio-swale, catch basins, pipe and access to the pedestrian path and drainage facilities.

xiv. Stormwater detention pipes are not allowed in public streets unless the pipes are used exclusively for detention of storm runoff from the public road(s). Written approval is required from the county engineering division for any detention pipes located in public rights of way.

- xv. The developer is required to provide detention for the entire OC site. The applicant's submittal had two options for storm detention for the OC area. Option 1 of the concept utility plan is the option preferred by the WES. Sub-regional detention and water quality facilities are encouraged. Where topographically feasible, detention and water quality facilities may be sized and constructed to provide detention and treatment for more than one development. Maintenance shall be provided for the facility. Easements and access shall also be provided.
- xvi. A maintenance plan for both public and private storm facilities shall be submitted with each separate development within the PUD area. The CCSD#1 has a storm water maintenance program, which was originally intended to provide maintenance for residential detention facilities. We have since modified the original program to allow maintenance of commercial sites. If CCSD#1 agrees to enter into a maintenance program to maintain the commercial sites, additional charges may be levied for the use of high maintenance water quality control structures. This agreement shall be recorded with, and referenced upon the final subdivision plat. The maintenance of the detention facilities, vegetated swales, and water quality facilities will have to be clearly identified.
- xvii. The applicant is required to submit a maintenance plan for maintenance of the green streets and to provide for maintenance of the green streets in the Homeowners Association documents. The applicant shall provide the Homeowners Association By-Laws and CC&Rs to the WES for review and approval prior to final plat approval and recording of the documents.
- xviii. The developer is required to show how the development will control drainage and water quality during construction.
- xix. A method of collecting offsite drainage from the east shall be submitted for review and approval by the CCSD#1/WES.
- xx. The applicant shall submit complete civil-engineered plans, including an erosion control plan, to be reviewed for compliance with both sanitary and stormwater regulations by the water environment services department. Plans shall be submitted to the technical services coordinator.
- xxi. The applicant shall obtain an erosion control permit prior to the commencement of on-site construction activities and shall submit a plan to implement wet weather measures within fourteen (14) days of final grading and between the months of October 1st and April 30th.
- m. The development is subject to the provisions of ZDO Section 1006 and the rules and regulations and standard specifications of the CCSD#1 for sanitary sewer systems. The CCSD#1 has submitted comments containing the following requirements:
- i. The development is subject to the rules and regulations and standard specifications of Clackamas County Service District No. 1 for both sanitary and storm systems.
  - ii. Each lot is subject to the current rates for sanitary Systems Development Charges (SDC). Fees are reviewed annually, the most current fee rate applies. These fees shall be paid prior to issuance of building permits.
  - iii. The costs of the storm and sanitary sewer systems shall be borne entirely by the developer. Each lot is subject to a sanitary System Development Charge (SDC) of two thousand two hundred dollars (\$2,200) each. These fees shall be paid prior to connecting to the sewer or before issuance of a building permit.
  - iv. This development is subject to a minimum sanitary sewer plans review fee of four hundred dollars (\$400.00). Plan review fees are due with the first submittal for plan review.

- v. The developer is required to install sanitary sewer and storm drain facilities to the limits of the property in order to allow for continuity in the conveyance systems. Easements shall be provided for gravity connections to the adjoining properties.
- vi. The applicant shall submit plans of and apply for a public sanitary sewer extension with the CCSD#1/WES. A sanitary sewer trunk line has been constructed. This line will have to be completed, tested, inspected and accepted by the CCSD#1 prior to approval of subsequent connections to the trunk line.
- vii. Easements shall be provided where necessary as determined by Clackamas County Service District No. 1 for storm and sanitary pipelines and for access to facilities. Minimum easement widths are fifteen (15) feet for single lines, and twenty (20) feet for combined easements. The width of the easement increases with the depth of the pipe.
- viii. The applicant shall submit complete civil-engineered plans, including an erosion control plan, to be reviewed for compliance with both sanitary and storm water regulations by the water environment services department. Plans shall be submitted to the technical services coordinator.
- ix. Any substantial deviation from the approved construction plans must have prior approval of the District. A public sanitary sewer extension application is valid for two years. If the sanitary sewer extension is not completed and accepted within two years of the date the permit is issued, then the District reserves the right to require another plan review and additional fees. If a time extension is requested, the District will review the status of the completion of the project and fees will be assessed at the standard minimum plan review rate for any time extension.
- n. The applicant shall provide for a village center and public plaza within the OC area in general compliance with the Master Plan approval.
- i. Final design and approval of the village center and public plaza shall be subject to design review approval. The applicant shall obtain said design review approval in conjunction with one or more of the construction phases. The village center and public plaza shall be constructed as comparable improved public access open space to that illustrated within the original Master Plan, within the project at one or more locations within the OC site.
- ii. Within the OC zoned land, one project construction sign/fence of up to ten thousand (10,000) square feet to identify the commercial center is approved until sixty percent (60%) occupancy of the retail portion of the OC zoned land is achieved.
- o. The MR-2 site in Phase A of the Eagle Landing Phase 1 development will be allowed occupancy permits prior to any design review in the OC site. The concept site plan attached as Figure 1.2 is approved for building locations, but is not approved for design review.
- p. The county DTD, construction and development and traffic engineering sections have submitted comments dated January 2, 2004 containing the following requirements designed to assure compliance with the provisions of Sections 1007 and 1014 of the ZDO, the provisions of the county roadway standards pertaining to access to, and within, the proposed development and the Comprehensive Plan:

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- i. All improvements shall comply with Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards.
- ii. The applicant shall comply with all applicable conditions of approval of the Zone Change decision, County File Z0531-98-CP/Z0532-98-Z dated December 23, 1998, the Zone Change modification decision, County File Z0802/02-CP/Z0803-02Z dated February 20, 2003 and the Master Plan decision, County File Z0227-03-AA dated May 29, 2003, as modified within this chapter. This includes the phasing of development and infrastructure established in that decision. Phasing timing is noted in the conditions below as specified in the Master Plan approval.
- iii. Generally, the phasing plan specifies which improvements or Master Plan conditions shall be met prior to occupancy of Phase A development and occupancy of Phase B development of Eagle Landing Phase I. Phase A of Eagle Landing Phase I development includes the golf course, up to three hundred thirty-five thousand (335,000) square feet and twenty percent (20%) of retail in the OC area, eighty-nine (89) dwelling units in the R-7, and up to two hundred and three (203) dwelling units in the MR-2.
  - (A) Conditions that shall be met prior to occupancy of Phase A of Eagle Landing Phase I development: I-205 Frontage road and Monterey Overcrossing, I-205 Split Diamond Interchange, Sunnybrook Extension, and widening of Sunnyside Road between I-205 and SE 122nd are completed and open to the public.
  - (B) Conditions that shall be met prior to occupancy of Phase B of Eagle Landing Phase I development: SE William Otty road connects to SE Valley View Terrace through the property to the east of the subject site (Kensington Heights PUD) and SE Causey Road connects to the western property line in the OSM or a financial guarantee is provided consistent with 1104 of the ZDO.
- iv. All frontage improvements in or adjacent to Clackamas County rights-of-way shall be designed and constructed in compliance with Clackamas County roadway standards for residential, commercial, and multi-family collector streets as appropriate to the particular frontage.
- v. The applicant shall design and construct improvements along the entire site frontage of SE Stevens Road prior to occupancy of any part of the Phase A of Eagle Landing Phase I development. These improvements shall consist of:
  - (A) Up to a one-half street improvement along the entire property frontage to comply with the Clackamas County ZDO and the Clackamas County Roadway Standards. The applicant is responsible for repairing and or replacing damaged sections of the existing street.
  - (B) Standard curb, or curb and gutter if curb-line slope is less than one percent, and pavement widening to the new curb-line. The new curb-line shall be located consistent with the "blue set" of construction plans dated August 14, 2003, submitted by W&H Pacific and received by the county engineering division on October 22, 2003. The easterly right of way line shall be established a minimum of six inches to the east of the back edge of the new sidewalk. A registered surveyor shall establish the centerline of the right-of-way. Pavement shall include a six-foot wide bike lane per the Clackamas County roadways standards for collector streets. In addition, a ten-foot wide public slope, signing, utility, sanitary sewer, and storm drainage, easement shall be required along the east side of the SE Stevens Road right of way.
  - (C) Drainage facilities in conformance with CCSD#1/WES Surface Water Management Rules and Regulations, Section 1008 of the ZDO and Clackamas County Roadway Standards Section 330.
  - (D) A seven-foot wide unobstructed curb-tight sidewalk shall be required. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or

construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement width, as necessary, shall be granted to provide for any sidewalk eyebrows. Potential obstructions to the sidewalk shall be shown on the engineered plans.

(E) If the sidewalk does not connect to the sidewalk on adjacent property, the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement shall be required. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.

(F) Appropriate pavement tapers shall be provided. More specifically, the taper shall be 10:1 for the transition from a narrower to a wider section of roadway and in accordance with Roadway Standards Section 240.7 for the transition from a wider to a narrower section of roadway.

vi. The applicant shall design and construct improvements for SE Monterey Avenue, SE William Otty Road and SE Causey Avenue to comply with the "green street" standards approved in the Master Plan. The improvements shall be constructed within a seventy-four (74)-foot right-of-way and shall include:

(A) A full street improvement through the site as approved by the Master Plan approval, File Z0227-03-AA, dated May 29, 2003.

(B) The improvements for SE Monterey Avenue from the intersection at SE Stevens Road to the roundabout at the north end of the site shall be constructed within a seventy-four (74)-foot wide right-of-way and shall include one thirteen (13)-foot wide center turn lane/median, two twelve (12)-foot wide travel lanes, two six-foot wide bike lanes, two seven and a half-foot wide water quality swales and a seven foot or five foot wide sidewalk. The seven foot wide sidewalk is required in the right-of-way adjacent to the Office Commercial area. The five foot wide sidewalk is required in the right-of-way adjacent to the R-7 residential and open space management areas. A specially designed mountable curb shall be constructed on either side of the roadway. These improvements shall be constructed and open prior to occupancy of Phase A of Eagle Landing Phase I development.

(C) The improvements to SE Causey Avenue and SE William Otty Road west and east of the roundabout shall be constructed within a seventy-four (74)-foot wide right-of-way and shall include one thirteen (13)-foot wide center turn lane/median, two twelve (12)-foot wide travel lanes, two six-foot wide bike lanes, two seven and a half-foot wide water quality swales and a five-foot wide sidewalk. A specially designed mountable curb shall be constructed on either side of the roadway to accommodate drainage from the street. These improvements shall be constructed and open to the public prior to occupancy of Phase B of Eagle Landing Phase I development.

(D) The improvements to SE Causey Road shall be completed (constructed with the first asphalt lift) prior to the occupancy of the golf course clubhouse and prior to the start of golf course operations.

(E). If the sidewalk does not connect to the sidewalk on adjacent property, the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement shall be required. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.

(F) Appropriate pavement tapers shall be provided. More specifically, the taper shall be 10:1 for the transition from a narrower to a wider section of roadway and in accordance with Roadway Standards Section 240.7 for the transition.

vii. The applicant shall enter into an agreement with the county to maintain the "green street" elements for a period of three years, submitting to the county quarterly reports describing work completed along with labor, material and equipment costs. This agreement shall be executed prior to

final plat approval. At the end of the three year period, the city shall evaluate the quarterly reports and enter negotiations with the county and the developer as to conditions for taking over jurisdiction and maintenance of the “green street” elements.

viii. The access to the Office Commercial (OC) area, Lots 1-7, will be restricted to right in/right out only if the center median is left in place. However access points from Lot 1 through 7 are allowed full movement access at the existing median breaks as built and illustrated on the “blue set” of construction plans dated August 14, 2003 submitted by W&H Pacific and received by the county engineering division on October 22, 2003. If the applicant chooses to modify the landscaped median to allow full access to these driveways, the applicant shall submit plans showing the modification to the county traffic engineering division for review and approval prior to issuance of an SC&E permit for that work.

ix. The applicant shall certify that all access points to the OC lots 1-6 have adequate sight distance (horizontal and vertical) prior to final plat approval.

x. The applicant shall record twenty-four (24)-foot wide easements for slope, signage, stormwater, sanitary sewer, access, and utilities serving Lots 1-6 in the OC area upon the final plat as required by ZDO § 1107 G and H. The easements shall be for the benefit of Lots 1-6 and shall be so referenced upon the final plat. Because development plans with respect to the OC lots are anticipated to be refined through the design review process, the easements may be relocated and pedestrian easements determined after final plat approval. The design standards and construction of the entrances and interior circulation roadways, as well as the final locations for the access and other required easements, shall be implemented in conjunction with the development of individual Lots 1-6. The easements provided for upon recordation of the final plat may be replaced at the applicant's option with easements in different locations in conjunction with design review approval for development on a particular lot. As a part of the design review for development on any OC lot, the applicant shall be required to demonstrate that easements meeting the requirements of this section can still be provided in compliance with all applicable approval criteria for the remaining lots that have not yet been subject to design review.

xi. At the time of Design Review for Lots 1 and 2 in the OC area the applicant shall choose one of the following options for the proposed entrance onto SE Stevens Road at the southwest corner of the site:

(A) Option No. 1: The existing entrance point onto SE Stevens Road located at the southwest corner of the subject property may continue to be used for unrestricted access. However, the Clackamas County traffic engineering section will monitor the access and may close or limit access from the development to Stevens Road if traffic safety issues warrant such closure or limitation; or

(B) Option No. 2: The access point to SE Stevens Road shall be closed in conjunction with the design review application for Lots 1 and 2 in the OC area. At that time, the county will vacate the right of way purchased from the applicant and convey it back to the applicant. Under this option, the applicant would have to provide an access easement through the Office Commercial zoned area of the Eagle Landing development to the adjoining Town Center Properties development for access to S.E. Monterey Ave.

xii. All multi-use pathways constructed in the OC, MR-2 (Lot #82), HDR (Lot #81) and Open Space Tracts B, C, E, F, H, I, J, and Q are required to be twelve (12) feet in width. Pathways in Open Space Tracts D and N are required to be ten feet in width and meet ADA requirements.

xiii. A pedestrian connection through Tract N to SE Sweet Gum Way to the east is required per the Master Plan approval process. The connection shall be designed and constructed or financially

guaranteed prior occupancy of Phase A of the Eagle Landing Phase 1 development.

xiv. All pedestrian and bicycle circulation within the MR-2 area shall comply with the conditions of the Master Plan approval. All pathways shall be twelve (12) feet wide.

xv. A pedestrian connection from Tract J through the northwest corner of lot 81 to the boundary of the adjacent property is required per the Master Plan approval. The connection shall be designed and constructed or financially guaranteed prior occupancy of Phase A of the Eagle Landing Phase 1 development.

xvi. Design and construction of the future public parking lots in Tracts C and G shall comply with the Clackamas County zoning and development ordinance and the Clackamas County roadway standards. Construction of the parking lots requires an SC&E permit. To obtain the permit, the applicant shall submit plans prepared and stamped by an engineer registered in the State of Oregon prior to issuance of construction permits.

xvii. The MR-2 area, Lot #82 will require more than one access point. To provide a second access, the center median will need to be modified. If the center median is modified for the second access, the applicant shall submit plans showing the modification for review and approval by the county traffic engineering section prior to issuance of an SC&E permit for that work.

xviii. The applicant shall participate in proportionate share in the design and construction of a traffic signal and other work at the intersection of Bob Schumacher and SE Causey Avenue. Construction shall include removal of the existing fire signal, widening of SE Causey Avenue near Bob Schumacher Road to full width, removal of the fire access gate and addition of necessary warning signs/devices in front of the fire station. This condition shall be satisfied or financially guaranteed prior to occupancy of Phase B of the Eagle Landing Phase 1 development, unless signal warrants require an earlier construction.

xix. The applicant shall participate in the development and construction of an ITS System as provided in condition 5.7 of county file numbers Z0531-98-CP and Z0532-98-Z. The total contribution for development of the ITS System shall be fifty thousand dollars (\$50,000.00).

(A) The scope of ITS improvements shall be reviewed and approved by the county traffic engineer and shall be designed as part of Phase B of the Eagle Landing Phase 1 development.

(B) Construction of the ITS elements shall be paid or bonded as part of the Phase B of the Eagle Landing Phase 1 development. At the county's option, the applicant shall implement the ITS elements (and upgrade the design as necessary) or deliver the fifty thousand dollar (\$50,000.00) contribution to the county.

xx. Notwithstanding the requirements of subsections (i-xix) above, the building setback for Stevens Road on the property's western frontage and for Monterey Avenue on the property's north frontage will be zero feet if the front of the building faces the street. If the side or rear of the building faces the street, then there must be at least a ten foot vegetated buffer between the right-of-way and the structure. For purposes of this section, any building elevation that has a prominent entrance to a lobby will be considered a building elevation that faces the street.

q. The following conditions apply to the proposed undercrossing of SE Causey Ave. and part of the proposed golf course use:

i. The applicant/golf course operator shall secure access to the underpass with gates when not in use; e.g. when the golf course is closed.

ii. Adequate lighting shall be installed inside the undercrossing. Lighting should be installed with heavy, shatter-resistant glass and shall be maintained in an operating condition.



- iii. A course or cobble-type surface should be installed and any retaining walls should be finished with an uneven top edge to discourage skateboarder use.
- iv. No trespassing signs shall be posted.
- v. Access ramps/stairs shall be graduated in such a fashion that persons using the undercrossing are in clear view of others on the course.
- vi. The applicant/operator shall enroll the golf course in the Clackamas County Sheriff's Office Exclusion Program by contacting Deputy Sheriff Angela Brandenburg at 503-655-8218.

3. Golf Clubhouse Approval (Clackamas County Case No. Z0865-03-C):

a. To show that parking is adequate for the clubhouse, the applicant shall monitor use of the parking lot during peak periods for not less than two years nor more than five years after the county issues an occupancy permit for the clubhouse. At least annually during the monitoring period, the applicants shall submit to the community development director a report listing when the demand for parking exceeded the supply of spaces. For purposes of this condition, a peak period is one during which the golf course is open to the public and at least one hundred (100) people are expected to attend a concurrent non-golf event in the clubhouse. Based on the report, the community development director or designee may require the applicants to provide additional parking or take other steps to accommodate peak parking demand to the extent that the director determines parking demand exceeds the supply. This condition is waived if the applicant enters into and maintains in force an agreement for the shared use of at least thirty-five (35) parking spaces off the clubhouse site and provides a shuttle from that remote location to the clubhouse, in which case the applicant shall submit to the community development director a copy of that agreement. Alternatively, the applicant may demonstrate that adequate parking exists within walking distance of the clubhouse in conjunction with another use, and shall submit to the community development director copies of a shared parking agreement.

B. Standards and conditions associated with the development of Eagle Landing Phase II, the former Mt. Scott Village PUD (Clackamas County Case No. Z0563-99-SL):

1. Any change in design, including lot layout and access to lots, must be approved by the community development director or designee prior to final plat approval and may require additional public notification. Such changes may be approved in the design review process.
2. The applicant may reduce the number of lots and/or the number of dwelling units on the site. The applicant shall not increase the number of lots on the site pursuant to this decision. The applicant may file a new application to modify the approved tentative plan to provide additional lots, subject to applicable fees, procedures and standards for such an application.
3. The applicant may increase the number of multi-family dwelling units on the lot proposed for that purpose to a maximum of one hundred and seventy-four (174) units, provided such an increase complies with paragraphs "a" and "b" or "c" below:
  - a. That lot shall be substantially as shown on the tentative plan unless otherwise approved by the community development director or designee.
  - b. The applicant shall setback buildings, carports, swimming pools, roads and parking from other buildings, property lines, wetlands and buffers at least the distance shown in the preliminary PUD plan, and the plan shall comply with applicable standards for the PUD and for design review.
  - c. Put another way, the proposed dwellings should occupy substantially the same developable area as the dwelling units illustrated on the preliminary PUD plan, except to the extent the review authority

- finds the proposed layout equally or better complies with all applicable standards and equally or better protects the resource values of the natural drainage areas that traverse the multi-family lot.
4. All conditions of approval of this subdivision shall be financially guaranteed or completed prior to issuance of any building permits unless otherwise noted.
  5. The private street names shall be reviewed and approved by the city planning division prior to final plat approval.
  6. All water system improvements required to serve the proposed development shall be installed according to the standards and requirements of the Sunrise Water Authority. The applicant shall submit written verification of water system improvement plans approval by the Sunrise Water Authority to the city planning division prior to final plat approval.
  7. The single family attached dwellings shall be subject to the city design review approval process and subject to the design standards found at Subsection 301.08 (I) of the ZDO except where superseded by the requirements for planned unit development subdivisions in Section 1013 of the ZDO.
  8. The multi-family residential development shall be subject to the standards of Subsection 313.08 through 313.10 of the ZDO, including design review, except where the requirements of Section 1013 supersede these subsections.
  9. This subdivision development is subject to the rules and regulations and standards and specifications of Clackamas County Service District No. 1 (CCSD#1) for both the sanitary sewer and storm sewer systems as well as Section 1008 of the Clackamas County zoning and development ordinance for storm drainage and erosion control.
  10. The cost of the storm sewer and sanitary sewer system shall be born entirely by the developer and each lot is subject to a sanitary and storm drain system development charge.
  11. The applicant shall install sanitary sewer and storm drain facilities to the limits of the subject property to allow for continuity in the conveyance systems. The applicant shall show how the adjacent properties will be able to connect to the storm and sanitary main lines. Pipe size and calculations shall be submitted to verify the storm lines have adequate capacity.
  12. Any collection sewer charge shall be paid prior to final acceptance of the sanitary sewer system.
  13. Storm drainage design and detention calculations shall be by the King County, Washington method, (SBUH Hydrograph-Soft-ware version 4.21B or higher). The detention requirement is to reduce the twenty-five (25) year developed discharge to a five year pre-developed rate and the two year developed discharge to the pre-developed rate (the applicant may elect to comply with current versions of these rules and regulations in lieu of the versions current on Jan. 31, 2000).
  14. The applicants' engineer shall provide supporting data to CCSD#1 that the downstream conveyance system has adequate capacity to accommodate the additional flows and not cause flooding.
  15. The applicant shall submit two copies of complete civil and erosion control plans to be reviewed for both sanitary and storm water regulations by the county water environment services department.
  16. The following statement shall be added to the declaration on the subdivision plat: "The public is hereby granted the right to maintain, replace or enlarge storm and sanitary facilities along those easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed within those easements. The public shall provide adequate notice before such activities are commenced and limit activities to that necessary

to achieve the purpose of maintaining the storm drainage and sanitary facilities.” (or current version of this statement).

17. This subdivision development is required to enter into a storm water facilities maintenance agreement with CCSD#1 for the maintenance of the private storm water facilities. The following restriction shall be shown on the subdivision plat: “Subject to Clackamas County Service District Number 1 Rules and Regulations and Storm Water Facilities Maintenance Agreement under fee number \_\_\_\_\_, Clackamas County deed records.” (or current version of this statement).

18. The applicant’s architect and or engineer are encouraged to collaborate with CCSD#1 on storm design and to maximize the use of swales and/or infiltration and retention facilities for water quality in the landscape design. Infiltration facilities can be used to partially replace the detention requirement if proven adequate.

19. Water quality requirements shall be met with pollution control manholes and trapped catch basins at a minimum.

20. The applicants’ engineer shall show how the development will control drainage and water quality during construction.

21. A twenty-five (25)-foot wide buffer shall be maintained from the boundary of all delineated wetlands unless modified in accordance with CCSD#1 requirements. This buffer area and the wetlands must be shown on the subdivision plat as a conservation easement in accordance with CCSD#1 Rules and Regulations.

22. A detailed profile of the detention facility and point of discharge must be shown. There shall be verification of a county conveyance system capable of conveying all discharge flows.

23. All storm water calculations must be performed, stamped and signed by a licensed engineer. The calculations shall be submitted at the time of the plan review.

24. This subdivision development is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit 1200-C. An application for this permit shall be submitted to the county water environment services department.

25. Prior to final plat approval, the applicant shall obtain sanitary sewer system and storm water facilities plans approval from CCSD#1.

26. The private streets shall provide for and maintain fire department access, grades, turn-arounds and turnouts as per CCFD#1 standards and requirements. Street widths of twenty-eight (28) feet or less shall have parking restricted to one side only. Where parking is prohibited, curbs shall be marked or signed according to CCFD#1 standards.

27. Fire hydrants shall be provided in all residential areas and the maximum spacing between hydrants shall not exceed five hundred (500) feet without CCFD#1 approval.

28. Fire flow requirements of CCFD#1 shall be met and the location of the fire hydrants shall be approved jointly by the Fire District and Sunrise Water Authority.

29. Prior to final plat approval, the applicant shall submit written or stamped plans approval from CCFD#1 verifying that the fire district standards have been, or will be, satisfied.

30. A grading permit is required from the city of Happy Valley for all site grading work outside of the private road system. All grading, filling and excavating on this private property in conjunction with any development associated with this subdivision shall be in accordance with the Clackamas County excavation and grading code. No cutting or filling may occur without satisfying this code.

31. The recreational facilities to include buildings and swimming pools within the open space area shall be constructed or a guarantee shall be posted in accordance with Section 1104 of the Clackamas County zoning and development ordinance.
32. A building permit shall be obtained from the city of Happy Valley for the recreation facilities within the open space area.
33. Prior to final plat approval, the applicant shall obtain Oregon Division of State Lands review and approval of a fill-removal permit and mitigation plan (if required) regarding the streams and wetlands prior to any land disturbance on the subject property associated with this subdivision application.
34. The applicant shall design and construct frontage improvements to Stevens Road along the site frontage. The improvements shall include widening for a fifty (50)-foot wide street section, curb and a five-foot wide unobstructed sidewalk.
35. The Clackamas County Roadway Standards Table 2-2 requires a minimum of seventy (70) feet of road right-of-way width for an urban three-lane collector. The applicant shall dedicate fifteen (15) feet of additional right-of-way along the site frontage of SE Stevens Road.
36. The applicant shall design and construct SE Causey Avenue Road along the north property line of the subdivision. The paved width shall be fifty (50) feet tapering to a minimum of twenty-four (24) feet. A curb and unobstructed five foot width sidewalk shall be constructed on the south side of the roadway along the property frontage.
37. The applicant shall dedicate a seventy (70)-foot wide collector road right-of-way corridor, which tapers to a thirty-five (35)-foot wide section as shown on the plans dated January 25, 2000. The alignment of the roadway shall be reviewed and approved by Clackamas County engineering and shall be coordinated with the Eagle Landing land use application. Ultimately, this roadway will be a collector roadway with a design speed of 25 to 30 miles per hour with a minimum right-of-way width of seventy (70) feet and two to three lanes with bike lanes and sidewalk, along with necessary amenities pursuant to the CRCA Plan.
38. In addition to the right-of-way dedication, the applicant shall dedicate a five-foot wide slope, utility and signing easement along the site frontage of SE Stevens Road and the new SE Causey Road.
39. Street trees are required along all street frontages as defined in section 1701.01 (E) (1) (d) of the ZDO. A street tree plan shall be submitted to the community development director or designee for review and approval prior to final plat approval, or as part of the required design review process.
40. The driveways shall be re-designed to eliminate all parking for a length of fifty (50) feet from the face of curb of SE Causey Avenue.
41. The applicant shall coordinate with the Clackamas County traffic engineering and development section related to the Causey Avenue alignment. It appears that the SE Causey Road extension constructed by the County from I-205 to Stevens Road has a slight offset in relation to the proposed intersection with the extension east of Stevens. The applicant will need to adjust the road alignment as required by the county in order to accommodate the alignment of SE Causey Avenue west of Stevens Road.
42. The applicant shall provide a common access and utility easement in the form of a Tract a minimum of thirty-five (35) feet in width for all of the private streets within the subdivision exclusive of the drives in the lot proposed for multi-family development. In addition the applicant shall provide a five-foot wide easement outside of the tract for utilities, slope, sidewalk and signing.
43. The private drives within the subdivision shall be designed and constructed to the following standards:

- a. Construct sidewalks having a minimum of five feet of unobstructed width on both sides of the streets. The width of the sidewalks is in addition to the thickness of the curbs and shall include ADA ramps and standard driveway approaches.
  - b. The constructed width of the private drives shall be a minimum of twenty-four (24) feet (face of curb to face of curb). The streets shall be curbed with standard curb, they shall have the same structural standard as county local access roads, and they shall have corner radii that meet requirements for fire access.
44. Surface water management and detention is a requirement in accordance with Clackamas County zoning and development ordinance Section 1008 and water environment services.
  45. The minimum width of the access and utility easement or tract containing the street improvements, sidewalk, street lighting, utilities, and street signing shall be thirty-five (35) feet. In addition there shall be a five-foot wide utility easement outside of the tract to accommodate any additional facilities including signing, utilities, storm drainage improvements, and sidewalk that cannot be placed within the thirty-five (35)-foot wide access and utility easement.
  46. Prior to final plat approval and the commencement of site work, the applicant shall obtain a street construction and/or encroachment permit for the design and construction of the required frontage, street, private road improvements and storm drainage facilities from the county engineering division. To obtain the permit the applicant shall provide a performance guarantee equal to one hundred and twenty-five percent (125%) of the estimated cost of all of the required improvements and pay an inspection fee. The inspection fee is four percent of the estimated cost of the required improvements.
  47. Prior to or in conjunction with utility work within the public right-of-way the applicant shall obtain a utility placement permit from the county engineering division.
  48. Written approval of the engineering plans shall be received from WES prior to issuance of the street construction and/or encroachment permit.
  49. Streetlights are a requirement for the subdivision. The developer shall make arrangements for the installation of streetlights with the power company and to pre-wire for acceptance of these streetlights. The developer shall also submit an application by letter to the county department of transportation and development for the installation of the streetlights and annexation into the street light district (contact El Dannen, 503-353-4660).
  50. The street construction, storm sewer and utilities work must be designed and built to be compatible with adjoining existing approved plats and accommodate future needs of adjoining property.
  51. The developer is responsible for all applications, fees and coordination of Federal and State regulatory offices with regards to fills and excavations in stream riparian zones and wetlands associated to the Clean Water Act and the Urban Stormwater National Pollutant Discharge Elimination System.
  52. All existing, required and proposed easements shall be shown on the final plat.
  53. All required improvements shall be constructed and inspected or financially guaranteed prior to final plat approval.
  54. The applicant's surveyor/engineer shall certify that the existing/proposed road construction corresponds to the easements/tracts.
  55. The applicant shall submit, at time of initial paving and before occupancy, reproducible as built plans for all improvements showing all construction changes, added and deleted items, location of

utilities, etc. A professional engineer shall stamp as built plans. In addition, provide one set of AutoCAD as built files on a floppy disk or in DXF format to be translated into AutoCAD format.

56. The applicant shall contribute to the development and implementation of an Intelligent Transportation System Advance Traffic Management System program to help maintain adequacy of the roadway network in this area as follows:

a. The applicant shall provide five thousand dollars (\$5,000) for their share of the cost of developing an ITS/ATMS program including the study area.

b. The applicant shall provide communications technology (such as fiber optics) along project roadways, as necessary pursuant to the Clackamas County ITS plan that will be developed. The communications shall be placed as part of construction of roadways and other facilities to minimize costs.

57. A road maintenance agreement for the shared private street system implementing ORS §§ 105.170 through 105.185 shall be recorded with and referenced upon this subdivision plat.

58. Underground utilities are a requirement of this subdivision.

59. A nonprofit, incorporated homes association or an alternative acceptable to the community development director or designee shall be required for maintaining the proposed open space areas in accordance with the requirements of Subsection 1013.06A9 of the Clackamas County zoning and development ordinance. The portion of the open space area not containing the proposed recreation facilities shall be maintained in a natural state and meet the requirements of CCSD#1. The documents shall contain language requiring approval of any changes concerning the open spaces and prohibiting dissolution of the association without city approval.

60. The open space area to be maintained in a natural state shall be marked on the land throughout development of this subdivision to ensure there is no encroachment of construction activities into the open space area.

61. The applicant's contractor shall obtain an erosion control permit from CCSD#1 prior to any land disturbance associated with this subdivision.

62. Demolition permits for removal of any existing structures are required from the city of Happy Valley building department.

63. Prior to final plat approval, area computations (square footage or acreage), for all building lots and tracts shall be stamped by an engineer or surveyor registered in the state of Oregon and submitted to the community development director or designee. This may be done by separate cover.

64. The applicant may file the final plat for the project in phases, provided the applicant complies with the conditions of approval of this decision that relate to the plat in question, as determined by the community development director or designee. The applicant shall file a final plat for all phases of the PUD within four years after the effective date of this final order; provided, the applicant may apply for a one-year extension of that deadline. The applicant shall undertake construction pursuant to an approved final design review plan within two years after the effective date of the decision approving the plan, unless otherwise expressly provided in the design review decision and permitted by law. (Ord. 317 Exh. A (part), 2005)

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**16.65.040 Review processes.**

A. As per Section 16.16.130.

B. Changes and Modifications:

1. Major Changes. Major changes of the approved development plan shall be considered and treated the same as a new application requiring payment of the appropriate fee.

2. Minor Changes. Minor changes in the general plan may be approved by the community development director or designee following the administrative decision process provided that such changes:

a. Do not increase residential or employment densities;

b. Do not change boundaries;

c. Do not change any use;

d. Do not change the location or amount of land devoted to specific land uses. Such changes may include minor shifting of the location of buildings, setbacks, proposed streets, public or private ways, utility easements, recreation facilities, public open spaces, etc. For quantifiable changes, a general threshold of ten percent shall be used in determining if a proposed change is minor in nature. For example, ten percent of a required yard, ten percent of lot size, etc. (Ord. 317 Ex. A (part), 2005)

## Title 16 LAND DEVELOPMENT CODE

### Chapter 16.65 EAGLE LANDING SUB-AREA PLAN

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#### **16.65.050 Conflict and severability.**

A. In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

B. Except as modified by this Chapter, the approved land use applications including conditions of approval of the following Clackamas County land use approvals are incorporated by reference, and will remain in effect as approved by the county, and will be implemented by the city:

1. Comprehensive Plan and Zone Change, File Nos. Z0531-98-CP/Z0532-98-Z, dated December 23, 1998;
2. Modification of Conditions of Approval of Comprehensive Plan Amendment and Zone Change, Order No. 2203-29, File No. Z0802-02-CP, Z0803-02-Z, dated February 20, 2003;
3. Decision on Master Plan Review, File No. Z0227-03-AA (Eagle Landing), dated May 29, 2003;
4. Final Order for Eagle Landing Golf Clubhouse, Case No. Z0840-03-SL, dated February 25, 2004;
5. Final Plat Approval for Eagle Landing PUD as evidenced by the Plat of Eagle Landing filed in Plat Book 126, Page 018, Document No. 2004 60414; and,
6. Final Order on Remand Approving Mt. Scott Village (now known as Eagle Landing Phase II), File No. Z0563-99-SL, dated April 23, 2003. (Ord. 317 Exh. A (part), 2005)