

<b>Happy Valley Municipal Code</b>							
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<a href="#">ARTICLE 16.2 LAND USE DISTRICTS</a>							
<a href="#">Chapter 16.25 INDUSTRIAL DISTRICTS</a>							

### **16.25.010 Industrial districts.**

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#### A. Purpose.

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

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

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

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

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

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

<b>Land Use</b>	<b>EC</b>	<b>IC</b>
<b>Residential</b>		
Pre-existing dwellings. Preexisting dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Chapter 16.72	P	P
Home occupations in pre-existing dwellings	P	P
New residential uses	P <sup>1</sup>	X
<b>Commercial—Retail</b>		
Commercial day care	C	C
Entertainment, major event	X	X
Hotels	C	X
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C	C
Mobile food units	P <sup>3, 12</sup>	P <sup>3, 12</sup>
Outdoor recreation, commercial	X/C <sup>9</sup>	X
Parking lot (when not an accessory use)	X	C/X <sup>7</sup>
Quick vehicle servicing or vehicle repair	C	P
Retail sales	P <sup>2</sup>	P <sup>3</sup>
Commercial service	P <sup>2</sup>	P <sup>3</sup>
Self-service storage	X	P/X <sup>7</sup>
Medical marijuana dispensaries <sup>10</sup>	C	C
<b>Commercial—Office</b>		
Offices	P	P <sup>4</sup>
Industrial <sup>5</sup>		
Industrial services—Fully enclosed	P	P
Industrial services—Not enclosed	C	P
Manufacturing and production and fabrication and assembly—Fully enclosed	P	P
Manufacturing and production and fabrication and assembly—Not enclosed	C	P
Research and development activities and laboratories—Fully enclosed	P	P
Research and development activities and laboratories—Not fully enclosed	C	P
Repair, finishing and testing—Fully enclosed	P	P

<b>Land Use</b>	<b>EC</b>	<b>IC</b>
Repair, finishing and testing—Not fully enclosed	C	P
Distribution activities and warehousing and freight movement	P <sup>6</sup>	P <sup>8</sup>
Waste-related	X	C/X <sup>7</sup>
Helipads or heliports <sup>11</sup>	P	P
Wholesale activities	P <sup>2</sup>	P <sup>3</sup>
<b>Institutional</b>		
Basic utilities	P	P
Colleges	C <sup>2</sup>	X
Institutional uses; educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers	C <sup>2</sup>	C
Public parks and open space—Pedestrian amenities	P	P
Public parks and open space—Parks and recreation facilities	C	P
Public parks, usable open space	P	P
Churches, synagogues, temples or places of worship	C <sup>2</sup>	X
Library, post office, community center, etc.		
Public and private schools (includes commercial day care, dancing and music schools)	C <sup>2</sup>	X
<b>Other</b>		
Agriculture—Animals, when an existing use as of May 5, 2009	P	P
Agriculture—Animals, when accessory to a permitted industrial use	X	P
Agriculture—Animals, when new use	X	X
Agriculture—Nurseries and similar horticulture (See also wholesale and retail uses)	C	P
Buildings and structures exceeding the height limits in Table 16.25.010-2	C	C
Mining	X	C/X <sup>7</sup>
Radio frequency transmission facilities—Within height limit of district	P	P
Radio frequency transmission facilities—Exceeds height limit (freestanding or building-mounted facilities)	C	C
Rail lines and utility corridors	P	P
Temporary uses (limited to “P” and “C” uses), per Section 16.69.010	C	C
Transportation facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P
Wireless telecommunication facilities: wireless telecommunication facilities are subject to the requirements of Section 16.44.020 (Wireless Communications Facilities)	P/C	P/C
Any accessory use or structure, not otherwise prohibited, that the Planning Official or designee finds to be customarily accessory and incidental to a permitted use	P	P
	P/C	P/C

Land Use	EC	IC
Any use that the Planning Official or designee finds to be similar to one or more of those specified above		

## NOTES:

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

<sup>2</sup> New single or multiple retail, commercial services, or institutional buildings shall not exceed thirty thousand (30,000) square feet gross leasable area on a single lot or parcel or contiguous lots or parcels. For the purposes of this limitation, parcels or lots separated by only a transportation right-of-way are considered to be contiguous. The use of any building, structure or land that was existing on or before July 17, 2012 or which was a legal use at the time of annexation may continue and may expand to add up to twenty (20) percent more floor area and ten (10) percent more land area on a site.

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

a. New uses:

1. No single store, branch, agency or other outlet shall exceed three thousand (3,000) square feet in area (including buildings and outdoor storage and sales areas); and

2. On sites with multiple outlets, the cumulative area dedicated to these uses shall not exceed twenty thousand (20,000) square feet (including buildings and outdoor storage and sales areas);

b. Existing uses and buildings: Notwithstanding subsection (a) above, the use of any building, structure or land that was existing on or before July 17, 2012 or which was a legal use at the time of annexation may continue and may expand to add up to twenty (20) percent more floor area and ten (10) percent more land area on a site.

<sup>4</sup> Permitted as an accessory use—Executive and administrative offices must relate to the operation of the industrial use and may not exceed forty (40) percent of the total gross floor area.

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

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

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

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

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

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

a. Shall be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

b. Shall not be located within one thousand (1,000) feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

c. Shall not be located within one thousand (1,000) feet of another medical marijuana facility; and

d. Shall install a security system, including a video surveillance system, alarm system and safe; and

e. Shall test for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder’s designated primary caregiver or the cardholder’s registered grower.

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

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

**C. Conditional Uses Approval Criteria.**

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

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

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

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

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

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

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

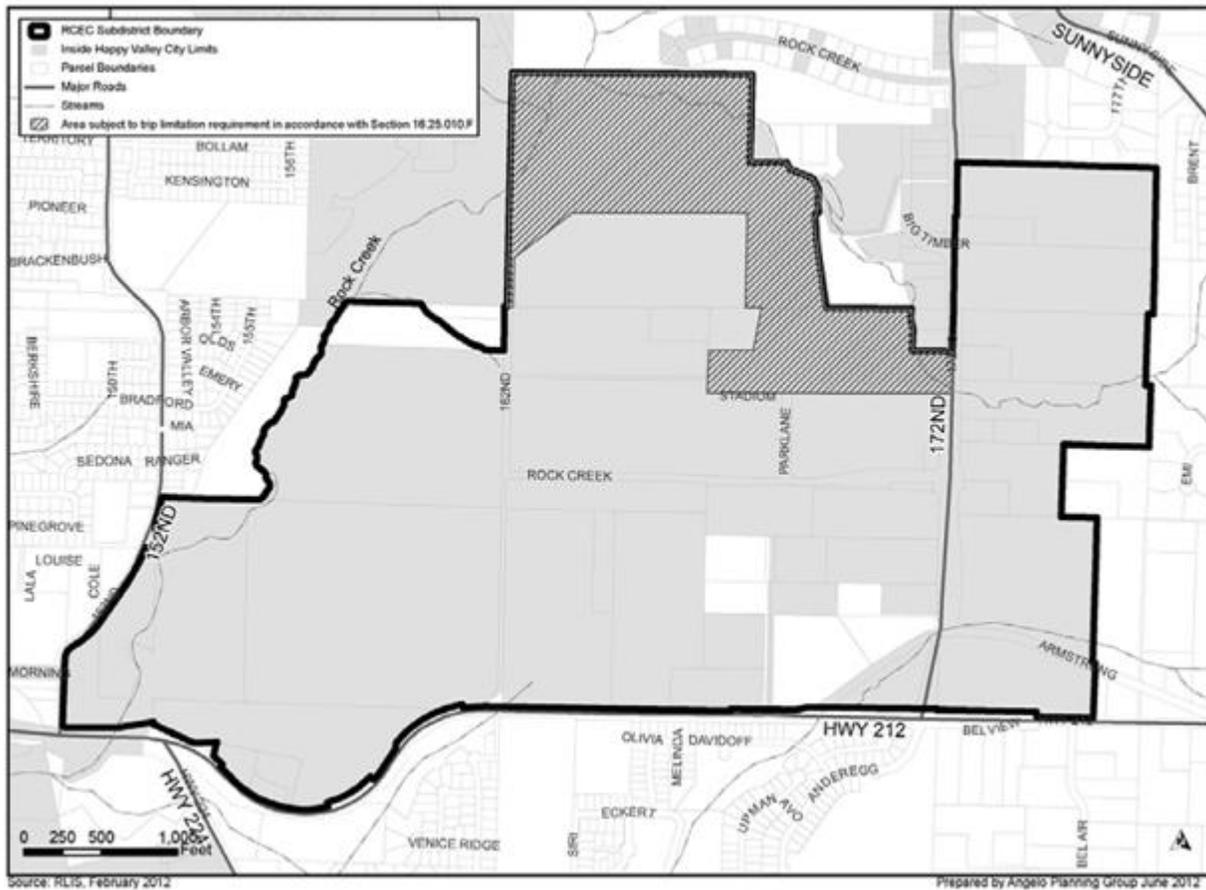
Standard	EC	IC
	the landscaping standards when it finds that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties	
Building setbacks (minimum):		
Front	10 ft.	10 ft.
Rear (abutting a nonresidential district)	10 ft.	20 ft.
Rear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

F. Trip Limitation Requirement. The standards in this subsection apply to all development proposed within the subarea identified on Figure 16.25.010-1 as subject to the trip limitation requirement.

1. The cumulative total p.m. peak hour trips for the subarea shall not exceed two hundred seventeen (217) trips except as permitted by subsection (F)(3).
2. Development applications within the subarea shall include a trip generation estimate demonstrating that proposed development will not cause the subarea to exceed two hundred seventeen (217) total cumulative p.m. peak hour trips.
3. The trip limitation of two hundred seventeen (217) p.m. peak hour trips may be exceeded if an applicant can demonstrate that there are funded transportation projects in the area to accommodate the additional trips or if a subsequent traffic analysis shows that additional traffic will not have a significant effect on the transportation system.

G. Rock Creek Employment Center Subdistrict. The boundaries of the Rock Creek Employment Center Subdistrict are shown on Figure 16.25.010-1.

Figure 16.25.010-1 Rock Creek Employment Center Subdistrict



(Ord. 474 § 1, 2015; Ord. 446 § 1, 2014; Ord. 443 § 1, 2013; Ord. 433 § 1, 2013; Ord. 427 § 1, 2012; Ord. 389 § 1(Exh. A), 2009)

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