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ARTICLE 16.2 LAND USE DISTRICTS							
Chapter 16.23 COMMERCIAL AND EMPLOYMENT DISTRICTS							

16.23.010 Mixed Use Commercial and Employment Districts.

A. Purpose.

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

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

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

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

Use	MUC	MUE	RCMU ¹
Commercial—Retail Uses			
Art and craft supply stores, studios	P	P	P
Bakeries	P	P	P
Banks, savings and loan associations, loan companies, ATMs	P	P	P

Use	MUC	MUE	RCMU ¹
Barber shops, beauty salons	P	P	P
Bed and breakfast inns	P	P	P
Bicycle sales, supplies, repair service	P	P	P
Book stores	P	P	P
Camera stores	P	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P	P	P
Drug stores	P	P	P
Dry cleaners and tailors	P	P	P
Florists	P	P	P
Hardware and garden supplies	P	P	P
Home furnishing stores	P	P	P
Gift stores	P	P	P
Grocery, food, specialty foods, and produce stores	P	P	P
Hotels	P	P	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	P	P	P
Exercise and tanning studios	P	P	P
Interior decorating shops, sales and service	P	P	P
Laundromats	P	P	P
Music shops, sales and service	P	P	P
Mobile food units	p ⁵	p ⁵	p ⁵
Optometry and optical goods, sales and service	P	P	P
Photo finishing, photography studios	P	P	P
Rental stores, without outdoor storage	P	P	P
Restaurants full service	P	P	P
Restaurants—Drive-through	P	C	P
Apparel and secondhand stores	P	P	P
Service stations	C	C	C
Shoe sales and repair stores	P	P	P
Sporting goods, sales and service	P	P	P
Stationery stores	P	P	P
Taverns, bars and cocktail lounges (prohibited 1,500 feet from school uses)	C	C	C
Theaters or assembly halls	C	C	P

Use	MUC	MUE	RCMU ¹
Yogurt and ice cream stores	P	P	P
Vehicular service	P	P	P
Veterinarian services and pet supplies	P	P	P
Video rental stores	P	P	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	P	P
Commercial—Offices			
Professional and administrative offices	P	P	P
Medical office buildings	P	P	P
Residential			
Low density	p ^{2, 3}	P	P
Medium density	p ^{2, 3}	X	P
Senior housing	P	P	P
Skilled nursing facility	P	P	P
Congregate housing	P	P	P
Home occupation (Section 16.69.020)	P	P	P
Industrial			
Manufacturing and production	X	P	C
Industrial services	X	P	X
Flex-space	X	P	X
Wholesale sales	X	P	X
Institutional			
Churches, synagogues, temples or places of worship	C	C	P
Public park, usable open space	C	C	P
Public and private schools (includes day care)	C	C	P
Commercial day care centers (adult and child care facilities)	P	P	P
Community service	P	P	P
Hospitals, including helipads ⁴	P	C	P
Civic Uses			
Libraries, post offices, community centers, etc.	P	P	P
Other			
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P

Use	MUC	MUE	RCMU ¹
Wireless communication facilities	Per Section 16.44.020	Per Section 16.44.020	Per Section 16.44.020

NOTES:

¹ Uses in the RCMU district are subject to additional standards in Section 16.23.010(D).

² Residential uses on upper floors of mixed use buildings are permitted. In such cases, Note 3 below does not apply.

³ Freestanding residential uses at densities greater than the minimum SFA density of ten (10) du/acre and not to exceed the maximum MUR-M2 density of thirty-four (34) du/acre (ten (10) to thirty-four (34) du/acre) may be permitted in the MUC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed twenty-five (25) percent of the MUC zoned area of the parcel or subject property.

⁴ Subject to applicable FAA rules and regulations.

⁵ Pursuant to Section 16.69.030.

C. Development Standards. The development standards in Table 16.23.010-2 apply to all uses, structures, buildings, and development in the MUC, MUE and RCMU Districts.

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

Standard	MUC	MUE	RCMU
Residential density: ¹			
Low density (maximum)	24 du/net acre	24 du/net acre	24 du/net acre
Low density (minimum)	15 du/net acre ²	15 du/net acre ²	15 du/net acre ²
Medium density (maximum)	34 du/net acre	NA	34 du/net acre
Medium density (minimum)	25 du/net acre ²	NA	25 du/net acre ²
High density (maximum)	50 du/net acre	NA	50 du/net acre
High density (minimum)	35 du/net acre ²	NA	35 du/net acre ²
Lot size (minimum)	Variable ³	Variable ³	Variable ³
Lot width (minimum)	Variable ³	Variable ³	Variable ³
Lot depth (minimum)	Variable ³	Variable ³	Variable ³
Floor area ratio			
Nonresidential FAR (minimum)	0.25:1 ⁴	0.25:1 ⁴	0.25:1 ⁴
Nonresidential FAR (maximum)	5:1	2:1	5:1

Standard	MUC	MUE	RCMU
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable ⁵	Variable ⁵	Variable ⁵
Building setbacks (minimum)	Variable ³	Variable ³	Variable ³
Building height (maximum)	65 feet ³	65 feet ³	Variable ³

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F).

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

³ Building height is measured pursuant to Chapter 16.12, Definitions. Standards are flexible and shall be determined through the master plan process or a design review.

⁴ Must include a shadow plan to establish future development.

⁵ Pursuant to Section 16.42.030, fifteen (15) percent of the net developable area must be usable open space.

D. Additional Standards for the RCMU District.

1. **Location.** The RCMU District may only be located within the boundaries of the Clackamas Regional Center and may only be applied to land within the Eagle Landing Plan Area (areas designated RCMU and PMU6) as designated on Happy Valley Comprehensive Plan Map X-CRC-2.

2. **Master Plan Required.**

a. The RCMU District is a planned mixed use area and is subject to the master plan requirements of Chapter 16.65 except as modified by this section.

b. The master plan shall include the entire Eagle Landing Plan Area (areas designated RCMU and PMU 6) as designated on Happy Valley Comprehensive Plan Map X-CRC-2.

3. **Mix of Uses Required.** A mix of uses is required. At a minimum, the following uses shall be accommodated within the master plan:

a. Five hundred eighty-four (584) dwelling units within the Eagle Landing Plan Area.

b. Six hundred thousand (600,000) square feet of office or commercial development within the RCMU District.

4. **Phasing Plan.** For multi-phased developments where the required mix of uses is proposed to be achieved in phases, a Development Phasing Plan shall be submitted as a part of the master plan application.

a. The Development Phasing Plan shall demonstrate:

- i. How the required mix of uses will be provided through phasing, including the approximate locations, amount in square feet (a size range may be provided), and timing of each use.
 - ii. How on-site circulation, parking, landscaping and other on-site improvements will function, after the completion of each phase and following complete build-out of the development site.
 - iii. If a size range(s) for a use(s) is provided, the Development Phasing Plan shall demonstrate how both the minimum and maximum amounts enabled by the range meet the requirements of this section.
- b. The Development Phasing Plan shall also identify in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.

5. Development Standards. The master plan for the Eagle Landing Plan Area shall be designed to implement the policies and elements of the adopted Clackamas Regional Center Area Design Plan. In addition, the master plan and subsequent development within the RCMU District shall be subject to the following standards:

- a. Buffering. When existing residential uses are located adjacent to a RCMU master plan site, such uses shall be buffered from the RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in the RCMU master plan.
- b. Access and Circulation. Circulation on site must meet the minimum requirements shown on the Urban Design Elements map, and in addition:
 - i. Internal Circulation. An internal circulation system shall include a network of public, private and internal streets. Private streets shall function like local streets, with curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county or public streets. This internal street network shall create developable sites defined by streets. In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.
 - ii. Driveways. Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.
 - iii. On-Street Parking. Parking in the travel way may be provided on private or internal streets. This parking will not count as surface parking under the maximum parking ratio requirements of Section 16.43.030, but may be counted toward minimum parking requirements.
 - iv. Off-Street Paths. The internal circulation system may provide for off-street bicycle paths, pedestrian paths, and greenway paths to link civic spaces, retail centers, and neighborhoods.
- c. Pedestrian-Oriented Areas. The master plan shall include pedestrian-oriented areas which do not front solely on arterial streets and parking fields. The purpose of this standard is to enhance the pedestrian experience and “village feel” of the centers. As part of a master plan

review, applicants shall demonstrate compliance with this standard by using a combination of the following, or similar, concepts and guidelines:

- i. Provision of a “main street” and/or village center area that is framed by buildings oriented to both sides of the street or center.
 - ii. On-street parking.
 - iii. Storefront character, with entries oriented to the street, large display windows, and front façades broken into divided bays.
 - iv. Public plazas and promenades.
 - v. Strong corners, as described in Happy Valley Style Architectural Design Standards.
 - vi. Residential uses on upper stories.
 - vii. Public uses in prominent locations.
- d. **Building Height.** Permitted minimum and maximum building heights shall be established by the approved master plan for all subsequent development. Building heights should emphasize creating a compact urban form in a context-sensitive and sustainable manner.
- e. **Building Orientation.** New buildings shall have at least one public entrance oriented to a state, county, public, or private street. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building façade facing the street the building is oriented to. Additional major entrances may also be allowed facing minor streets and parking areas.
- f. **Structured Parking Adjacent to Pedestrian Facilities.** Parking structures located within twenty (20) feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use include, but are not limited to:
- i. Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or
 - ii. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or
 - iii. Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains;
 - iv. The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.
- g. **Parking and Loading.** Parking and loading shall meet the requirements of Chapter 16.43 and the landscaping requirements of Chapter 16.42.
- h. **Drive-Through Window Facilities.** Drive-through window facilities are allowed subject to the standards in Section 16.44.090.
- i. **Gateways.** Provide for a gateway at a key intersection with special design and landscape treatment that are intended to provide a visual announcement that people are entering a special area.
- j. **Public Facilities.** The city may require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional Area Plan. Such improvements include, but are not limited to, the following:

- i. Road dedications and improvements;
 - ii. Traffic signals;
 - iii. Transit facilities;
 - iv. Sidewalks, crosswalks, bump-outs and other pedestrian improvements;
 - v. Storm drainage facilities;
 - vi. Sewer and water service lines and improvements;
 - vii. Underground utilities;
 - viii. Street lights;
 - ix. Street trees, landscaping; and
 - x. Open space, greenways, plazas and parks.
- k. Maintenance Mechanisms. The city may require the formation of a maintenance agreement or other suitable mechanism to assure that the following maintenance responsibilities are adequately addressed:
- i. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
 - ii. To maintain landscaping, street furniture, storm drainage and similar streetscape improvements developed in the public right-of-way.
- l. Open Space. Master plans shall contain a minimum of ten (10) percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
- i. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
 - ii. The open space shall be conveyed in accordance with one of the following methods:
 - (A) By dedication to a public agency as publicly owned and maintained open space. Open space proposed for dedication must be acceptable to the planning official with regard to the size, shape, location, improvement, environmental condition;
 - (B) By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the city.
- m. Other Applicable Provisions. With respect to the adjacent properties lying south of the proposed RCMU District and east of SE Stevens Road (“Adjacent Properties”), the provisions of the following Clackamas County land use decisions, including conditions of approval, which benefit the adjacent properties and apply or relate to buffering, required setbacks, drainage, and location of any bicycle and pedestrian path, shall remain in effect. The master plan and subsequent development within the RCMU District shall comply with those provisions.
- i. Comprehensive Plan and Zone Change, File Nos. Z0531-98-CP/Z0532-98-Z, dated December 23, 1998;

- ii. 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;
 - iii. Decision on Master Plan Review, File No. Z0227-03-AA (Eagle Landing), dated May 29, 2003;
 - iv. Final Order for Eagle Landing Golf Clubhouse, Case No. Z0840-03-SL, dated February 25, 2004;
 - v. 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
 - vi. Final Order on Remand Approving Mt. Scott Village (now known as Eagle Landing Phase II), File No. Z0563-99-SL, dated April 23, 2003.
- n. Design Review. New development in the district shall be subject to Chapter 16.62, Design Review (including Section 16.46.010 and Appendix B, Happy Valley Style).

(Ord. 474 § 1, 2015; Ord. 446 § 1, 2014; Ord. 427 § 1, 2012; Ord. 424 § 1, 2012; Ord. 406 § 1, 2010; Ord. 398 § 1, 2010; Ord. 389 § 1(Exh. A), 2009)

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