



Happy Valley Municipal Code: Land Development Code Effective June 16, 2022

ARTICLE 16.2 LAND USE DISTRICTS

Chapter 16.21 LAND USE DISTRICT ADMINISTRATION

16.21.010 Land use district map.

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.

16.21.020 Classification of land use districts.

Every parcel, lot, and tract of land within the City limits of the City of Happy Valley is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable land use district and/or overlay zone.

16.21.030 Determination of land use district boundaries.

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Planning Official in accordance with all of the following criteria:

- A. Rights-of-Way. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts.
- B. Parcel, Lot, Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction Boundary. Boundaries indicated as approximately following a City or County boundary, or the urban growth boundary, shall be construed as following said boundary.
- D. Natural Features. Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding

to any feature listed in subsections A through C of this section, shall be construed as following such feature, except that the location may be corrected administratively through a Type I (code interpretation) procedure, in accordance with Chapter 16.61.

Chapter 16.22 RESIDENTIAL LAND USE DISTRICTS

16.22.010 Future urbanization zone.

- A. Purpose—Future Urbanization (FU-10). 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. Permitted Uses. Table 16.22.010-1 identifies the land uses that are allowed in the Future Urbanization (FU-10) District.

Table 16.22.010-1 Future Urbanization (FU-10) Permitted Uses

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

Land Use	FU-10
Residential	
Accessory dwelling units complying with Section 16.44.050	P
One single-family 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 accessory dwelling unit, complying with the requirements of Section 16.44.050.	P
Residential care facilities	C
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.	C
Home occupation, complying with the requirements of Section 16.69.020	P
Institutional/Utilities	
Public and semi-public buildings and functions	C
Public utility substations or other function	C
Cemeteries	C
Church, synagogue, temple or other place of worship	C
Public or private schools	C
Commercial daycare facilities	C

Land Use	FU-10
Other	
Agriculture and related activities, not to include the commercial processing for any type of agricultural products, whether animal or vegetable	P
Open space in a natural state	P
Fish and wildlife management programs	P
Public and private conservation areas and structures for the conservation of water, soil, forest, or other wildlife habitat resources	P
Private parks or recreation facilities	C
Temporary use of a trailer, mobile home, or other building for a use incidental to construction work; provided that: The maximum time period is six months, with a maximum extension for another six months; The trailer, mobile home, or other building is connected to an approved sewage disposal system; A building permit for a permanent structure has been issued; The temporary home or building shall be removed upon completion or abandonment of construction; and No reasonable alternative, such as the availability of nearby rental housing exists.	C
Personal use helicopter pads	C
Any accessory structure which is customarily incidental to any of the permitted uses, on the same lot	P

D. Development Standards. The development standards in Table 16.22.010-2 apply to all uses, structures, buildings, and development in the FU-10 District. The purpose of these dimensional standards is to:

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

E. Adjustments to Dimensional Requirements. The dimensional standards in Table 16.22.010-2 may be modified under the procedures provided by Chapter 16.63. 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 16.71. 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 (D)(1) through (3) of this section.

Table 16.22.010-2 Development Standards for FU-10

Standard	FU-10
Residential density (maximum) ¹	One unit for each 10 acres
Average lot size (minimum)	10 acres
Lot width (minimum)	100 feet
Lot depth (minimum)	200 feet
Lot coverage(maximum)	20% for all structures
Building setbacks (minimum)	
Front	32 feet
Side	12 feet
Rear	32 feet
Street side (corner lot)	15 feet
Building height (maximum)	45 feet ²
NOTES:	
¹ Density calculations shall be made pursuant to Section 16.63.020(F).	
² The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.	

16.22.020 Very low density residential zones.

A. Purpose.

1. Residential—Forty Thousand (40,000) Square Feet (R-40). 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 district may be applied in sloped areas where clustering and other hillside protection standards are applied. The numerical designation R-40 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per forty thousand (40,000) square feet of lot area.
2. Residential—Twenty Thousand (20,000) Square Feet (R-20). 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 to reflect the desired urban trends and patterns. The district may be applied in sloped areas where clustering and other hillside protection standards are applied. The numerical designation of R-20 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per twenty thousand (20,000) square feet of lot area.

3. Residential—Fifteen Thousand (15,000) Square Feet (R-15). This low density urban residential district responds to the continuing urbanization of the City due to the availability of public sanitary sewers in areas previously zoned R-40 or R-20. 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 densities allowed in the lower density R-20 district and the densities allowed in the 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 primary dwelling unit per fifteen thousand (15,000) square feet of lot area.

B. Permitted Uses. Table 16.22.020-1 identifies the land uses allowed in the R-40, R-20 and R-15 Districts.

Table 16.22.020-1 Very Low Density Residential (R-40, R-20, R-15) Permitted Uses

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

Land Use	R-40	R-20	R-15
Residential			
One single-family dwelling, townhome, duplex, triplex, quadplex, cottage cluster, modular dwelling unit or manufactured home per lot ¹	P	P	P
Multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130	P	P	P
Accessory dwelling units complying with Section 16.44.050	P	P	P
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.	C	C	C
Residential care home	P	P	P
Residential care facilities	C	C	C
Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P	P
Rooming houses	X	X	X
Commercial			
Commercial daycare facilities	C	C	C
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C	C
Institutional/Utilities			
Public and semi-public buildings and functions	C	C	C
Public utility substations or other function	C	C	C

Land Use	R-40	R-20	R-15
Cemeteries	C	C	C
Church, synagogue, temple or other place of worship	C	C	C
Public or private school(s)	C	C	C
Other			
Agriculture and related activities, not to include the commercial processing of any type of agricultural products, whether animal or vegetable	P	P	P
Public or private open spaces, parks and playgrounds, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C	C
Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that: The maximum time period is six months, with a maximum extension for another six months; The trailer, mobile home, or other building is connected to an approved sewage disposal system; A building permit for a permanent structure has been issued; The temporary home or building shall be removed upon completion or abandonment of construction; and No reasonable alternative, such as the availability of nearby rental housing exists.	C	C	C
Wireless communication facilities, not to include antenna support structures, subject to the provisions of Section 16.44.020 of this title	C	C	C
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
Helipad ¹	C	C	C
Any accessory structure which is customarily incidental to any of the permitted uses, located on the same lot	P	P	P
NOTES: ¹ Subject to applicable FAA rules and regulations. ¹ Applies to a parent lot. Duplexes, triplexes, quadplexes, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).			

C. Development Standards. The development standards in Table 16.22.020-2 apply to all uses, structures, buildings, and development in the R-40, R-20 and R-15 Districts.

Table 16.22.020-2 Development Standards for R-40, R-20, R-15

Standard	R-40	R-20	R-15
Lot size (minimum): Single-family detached, duplex, triplex, quadplex, cottage cluster ^{1,6}	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.
Lot size (minimum): Townhome ¹	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
Townhome density (units per net acre)	4.4 du/net acre	8.7 du/net acre	11.6 du/net acre
Lot width (minimum) ^{2,6}	100 feet	80 feet	70 feet
Lot depth (minimum)	200 feet	100 feet	90 feet
Street frontage (minimum)			
Lots fronting on cul-de-sac	70 feet	50 feet	50 feet
All other lots	100 feet	80 feet	60 feet
Townhomes	20 feet	20 feet	20 feet
Lot coverage (maximum) ^{3,6,7}	20%	30%	35%
Building setbacks (minimum) ⁶ :			
Front	22 feet	22 feet	22 feet
Rear	22 feet	22 feet	22 feet
Interior side	15/0 ⁴ feet	10/0 ⁴ feet	7/0 ⁴ feet
Street side (corner lot)	15 feet	15 feet	15 feet
Cottage Cluster units, rear perimeter	10 feet	10 feet	10 feet
Cottage Cluster units, side perimeter	10 feet	10 feet	7 feet
Building height (maximum)	45 feet ²		
Shared outdoor recreation areas	400 sq. ft./unit provided in accordance with Section 16.42.080		

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F). Cottage clusters must meet a minimum density of four units per gross acre.

² Townhomes are exempt from the lot width requirements.

³ Cottage cluster housing is exempt from lot coverage requirements.

⁴ Interior side yard setbacks for townhomes may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

⁵ The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.

⁶ If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, per LDC 16.61, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

⁷ Maximum lot coverage for townhomes is the greater of the percentage identified in the table or up to 1,000 square feet of buildings, decks, stairways and entry bridges that are more than thirty inches above grade (excluding eaves). Compliance with all other standards is required.

16.22.030 Low density residential zones.

A. Purpose.

1. Residential—Ten Thousand (10,000) Square Feet (R-10). 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 primary dwelling unit per ten thousand (10,000) square feet of lot area.

2. Residential—Eight Thousand Five Hundred (8,500) Square Feet (R-8.5). This urban residential district responds to the continuing urbanization of the City. Single-family detached dwellings are encouraged, but multifamily development is allowed in this district, as part of a PUD, which seeks to maximize the development potential in hillside areas. This district serves as a buffer between the R-10 and R-7 development districts. The numerical designation of R-8.5 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per eight thousand five hundred (8,500) square feet.

3. Residential—Seven Thousand (7,000) Square Feet (R-7). This development district will allow more urban residential density within the City through the use of small 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 primary dwelling unit per seven thousand (7,000) square feet of lot area.

B. Permitted Uses. Table 16.22.030-1 identifies the land uses that are allowed in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-1 Low Density Residential (R-10, R-8.5, R-7) Permitted Uses

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

Land Use	R-10	R-8.5	R-7
Residential			

Land Use	R-10	R-8.5	R-7
One single-family dwelling, townhome, duplex, triplex, quadplex, cottage cluster, modular dwelling unit or manufactured home per lot ¹	P	P	P
Multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130	P	P	P
Multifamily dwellings not approved as a PUD. Density calculation as defined in Section 16.63.020 may be used where applicable	X	X	X
Accessory dwelling units complying with Section 16.44.050	P	P	P
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.	C	C	C
Residential care home	P	P	P
Residential care facilities	C	C	C
Rooming houses	X	X	X
Manufactured home parks, subject to the provisions of Section 16.44.040	P	P	P
Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P	P
Commercial			
Commercial daycare facilities	C	C	C
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C	C
Institutional/Utilities			
Public utility substations or other function	C	C	C
Church, synagogue, temple or other place of worship	C	C	C
Public or private school(s)	C	C	C
Other			
Public or private open spaces, parks and playgrounds, golf courses, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C	C
Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that:	C	C	C

Land Use	R-10	R-8.5	R-7
<p>The maximum time period is six months, with a maximum extension for another six months;</p> <p>The trailer, mobile home, or other building is connected to an approved sewage disposal system;</p> <p>A building permit for a permanent structure has been issued;</p> <p>The temporary home or building shall be removed upon completion or abandonment of construction; and</p> <p>No reasonable alternative, such as the availability of nearby rental housing exists.</p>			
Wireless communication facilities, not to include antenna support structures, subject to the provisions of Section 16.44.020 of this title	C	C	C
Helipad ²	C	C	C
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
Any accessory structure which is customarily incidental to any of the permitted uses, located on the same lot	P	P	P
<p>NOTE:</p> <p>¹ Applies to a parent lot. Duplexes, triplexes, quadplexes, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).</p> <p>² Subject to applicable FAA rules and regulations.</p>			

C. Development Standards. The development standards in Table 16.22.030-2 apply to all uses, structures, buildings, and development in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-2 Development Standards for R-10, R-8.5 and R-7

Standard	R-10	R-8.5	R-7
Lot size (minimum): Single-family detached, duplex, triplex, quadplex, cottage cluster ^{1,6}	10,000 sq. ft.	8,500 sq. ft.	7,000 sq. ft.
Lot size (minimum): Townhome ¹	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
Townhome density (units per net acre)	17.4 du/net acre	20.5 du/net acre	24.9 du/net acre
Lot width (minimum) ^{2,6}	60 feet	50 feet	50 feet
Lot depth (minimum)	80 feet	70 feet	70 feet
Street frontage (minimum) ⁶			
Lots fronting on cul-de-sac	35 feet	35 feet	35 feet

Standard	R-10	R-8.5	R-7
All other lots	50 feet	50 feet	50 feet
Townhomes	20 feet	20 feet	20 feet
Lot coverage (maximum) ^{3,6,7} Single-family detached, duplex, triplex, quadplex, townhome	40%	45%	50%
Building setbacks (minimum) ⁶ :			
Front	22 feet	22 feet	22 feet
Rear	22 feet	22 feet	22 feet
Interior side	7/0 ⁴ feet	5/0 ⁴ feet	5/0 ⁴ feet
Street side (corner lot)	15 feet	15 feet	15 feet
Cottage Cluster units, rear perimeter setback	10 feet	10 feet	10 feet
Cottage Clusters, side perimeter	7 feet	5 feet	5 feet
Building height (maximum)	45 feet ²		
Shared outdoor recreation areas	400 sq. ft./unit provided in accordance with Section 16.42.080		

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F). Cottage clusters must meet a minimum density of four units per gross acre.

² Townhomes are exempt from the lot width requirements.

³ Cottage clusters are exempt from lot coverage requirements.

⁴ Interior side yard setbacks for townhomes may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

⁵ The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.

⁶ If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, per LDC 16.61, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

⁷ Maximum lot coverage for townhomes is the greater of the percentage identified in the table or up to 1,000 square feet of buildings, decks, stairways and entry bridges that are more than thirty inches above grade (excluding eaves). Compliance with all other standards is required.

16.22.040 Medium density single-family residential zones.

A. Purpose.

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

2. Mixed Use Residential—Single-Family (MUR-S). Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements. MUR-S has a minimum density of six units per net acre and a minimum lot size of five thousand (5,000) square feet.

B. Permitted Uses Table 16.22.040-1 identifies the land uses that are allowed in the R-5 and MUR-S Districts.

Table 16.22.040-1 Medium Density Single-Family Residential (R-5 and MUR-S) Permitted Uses

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

Land Use	R-5	MUR-S
Residential		
One single-family dwelling, townhome, duplex, triplex, quadplex, cottage cluster, or modular dwelling unit per lot ¹	P	P
Multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130. Density calculation as defined in Section 16.12.030 may be used where applicable.	P	P
Accessory dwelling units, complying with Section 16.44.050	P	P
Residential care home	P	P
Residential care facilities	C	C
Manufactured home parks subject to the provisions of Section 16.44.040	C	P
Rooming houses	X	X
Commercial		
Commercial daycare facilities	C	C
Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C
Neighborhood Commercial Uses		
Coffee shops, cafés, sandwich shops and delicatessens, restaurants (no drive-through service allowed)	X	p ^{2,3}
Florists	X	p ^{2,3}
Grocery, food, specialty foods, and produce stores	X	p ^{2,3}
Laundromats and dry cleaners	X	p ^{2,3}

Land Use	R-5	MUR-S
Personal services (e.g., barbershops, hair salons, spas)	X	p ^{2, 3}
Yogurt and ice cream stores	X	p ^{2, 3}
Video rental stores	X	p ^{2, 3}
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	p ^{2, 3}
Institutional/Utilities		
Church, synagogue, temple or other place of worship	C	C
Public or private school(s)	C	C
Utility facilities (telecommunication, pump stations, substations)	C	C
Other		
Public or private open spaces, parks and playgrounds, tennis courts, and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C
Wireless communications facilities not to include antenna support structures, subject to the provisions of Section 16.44.020 of this title	P/C	P/C
Helipad	X	X
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
Any accessory structure, which is, customarily incidental to any of the permitted uses, located on the same lot	P	P
Uses similar to those upon administrative determination by the Planning Official	P/C	P/C

NOTES:

¹ Applies to a parent lot. Duplexes, triplexes, quadplexes, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).

² Neighborhood commercial uses subject to the provisions of Section 16.44.080.

³ Neighborhood commercial uses are permitted within the Happy Valley Town Center Plan Area.

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

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

Standard	R-5	MUR-S
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Lot size (minimum): Single-family dwelling detached, duplex, and triplex ^{1,8}	5,000 sf	5,000 sf
Lot size (minimum): Quadplex and cottage cluster ⁸	7,000 sf	7,000 sf
Lot size (minimum): Townhome ¹	1,500 sf	1,500 sf
Townhome density (units / net acre)	25 du/net acre	25 du/net acre
Residential density (minimum) ¹	None	6 du/net acre
Lot width (minimum) ²	40 feet	Variable ⁴
Lot depth (minimum)	60 feet	Variable ⁴
Street frontage (minimum) ⁸		
Lots fronting on cul-de-sac	35 feet	Variable ⁴
All other lots	40 feet	Variable ⁴
Townhomes	20 feet	20 feet
Lot coverage (maximum) ^{5,8,9}		
Single-family (detached)	50%	Variable ⁶
Duplex, triplex, quadplex, townhome	60%	Variable ⁶
Building setbacks (minimum) ⁸		
Front (street access garage)	20 feet	20 feet
Front (alley access garage)	10 feet	10 feet ⁴
Rear	20 feet	20 feet ⁴
Interior side	5/0 feet ³	5/0 feet ^{3,4}
Street side (corner lot)	8 feet	8 feet ⁴
Cottage cluster units, perimeter rear	10 feet	10 feet
Cottage cluster units, perimeter side	10 feet	5 feet
Garage and carport entrances		
Entrances not facing an alley	20 feet	20 feet ⁴
Entrances facing an alley	20 feet to base floor (foundation only, not including posts or other support mechanisms) 6 feet to upper floors (wall face)	20 feet to base floor (foundation only, not including posts or other support mechanisms) 6 feet to upper floors (wall face) ⁴
Building height (maximum)	45 feet ⁶	65 feet ⁶
Shared outdoor recreation areas	400 sq. ft./unit provided in accordance with Section 16.42.080	

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F). Cottage clusters must meet a minimum density of four units per gross acre.

² Townhomes are exempt from the lot width requirements. Street frontage controls lot width for townhomes.

³ Side yard setbacks for attached single-family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

⁴ Standards may be proposed for amendment by Master Plan, PUD or Design Review land use applications.

⁵ Cottage cluster housing is exempt from lot coverage requirements.

⁶ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.

⁷ The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.

⁸ If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, per LDC 16.61, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

⁹ Maximum lot coverage for townhomes is the greater of the percentage identified in the table or up to 1,000 square feet of buildings, decks, stairways and entry bridges that are more than thirty inches above grade (excluding eaves). Compliance with all other standards is required.

16.22.050 High density residential—Attached.

A. Purpose.

1. Single-Family Attached Residential (SFA). This 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 (10) to fifteen (15) dwelling units per acre, as well as certain neighborhood commercial uses. The district is intended to:

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

2. Mixed Use Residential—Attached (MUR-A). Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. Minimum densities are provided to comply with the Urban Growth

Management Functional Plan, Title 1 requirements. MUR-A has a maximum density of fifteen (15) units per net acre and a minimum density of ten (10) units per net acre.

3. Village Townhouse District (VTH). This district is based on the Village Townhouse District in the Clackamas County Zoning and Development Ordinance. It was adopted by the City of Happy Valley to provide consistent land use regulations for areas recently annexed to the City.

a. A Traffic Impact Analysis (TIA) shall be submitted with each development application pursuant to 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.

b. The procedures and application requirements under Chapter 16.63 (Design Review) and Article 16.4 (Community 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. Table 16.22.050-1 identifies the land uses that are allowed in the SFA, MUR-A and VTH Districts.

Table 16.22.050-1 High Density Attached Residential (SFA, MUR-A, VTH) Permitted Uses

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

Land Use	SFA	MUR-A	VTH
Residential			
Single-family detached dwellings (existing)	P	P	P ¹
Single-family detached dwellings (new)	X	X ⁸	X
Single-family attached dwellings (townhouses, rowhouses)	P	P	P
Two-family dwelling (duplex)	P	P	P
Three-family dwelling (triplex)	P	P	P
Four-family dwelling (quadplex)	P	P	P
Cottage cluster dwellings	X	P	X
Multifamily dwellings containing four or more dwelling units or condominiums	X	X	X
Senior housing, congregate housing or nursing homes	X	P	X
Rooming houses	X	X	X
Accessory dwelling units (per Section 16.44.050)	P	P	P ²
Home occupation (per Section 16.69.020)	P	P	P ³
Bed and breakfast residencies	C	C	C

Land Use	SFA	MUR-A	VTH
Rental information offices	P	P	P ³
Neighborhood Commercial Uses			
Coffee shops, cafés, sandwich shops and delicatessens, restaurants (no drive through service allowed)	P ^{4, 7}	P ^{4, 7}	X
Florists	P ^{4, 7}	P ^{4, 7}	X
Grocery, food, specialty foods, and produce stores	P ^{4, 7}	P ^{4, 7}	X
Laundromats and dry cleaners	P ^{4, 7}	P ^{4, 7}	X
Personal services (e.g., barbershops, hair salons, spas)	P ^{4, 7}	P ^{4, 7}	X
Yogurt and ice cream stores	P ^{4, 7}	P ^{4, 7}	X
Video rental stores	P ^{4, 7}	P ^{4, 7}	X
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 ^{4, 7}	P ^{4, 7}	X
Commercial—Offices			
Professional and administrative offices	C ⁴	C ⁴	X
Medical and dental office, clinics and laboratories	C ⁴	C ⁴	X
Institutional/Utilities			
Churches, synagogues, temples or places of worship	C	C	C ⁵
Private and public schools	C	C	C
Commercial daycare facilities	C	C	C
Utility facilities (telecommunication, pump stations, substations, utility carrier cabinets)	C	C	C
Other			
Public or private open spaces, parks and playgrounds, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P	P ⁶
New streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Wireless telecommunication facilities	P/C	P/C	P
Uses and structures customarily accessory and incidental to a primary use	P	P	P ³
Temporary storage of recyclables/reuseables: The temporary storage within an enclosed structure of source-separated	P	P	P ³

Land Use	SFA	MUR-A	VTH
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			
Temporary buildings for uses incidental to construction work subject to the provisions of Section 16.69.010—Such buildings shall be removed upon completion or abandonment of the construction work	P	P	P ³
Bus shelters, bicycle facilities, street furniture, drinking fountains, kiosks, art works and other pedestrian and transit amenities	P	P	P ³
Helipad	X	X	X
Uses similar to those upon administrative determination by the Planning Official	P/C	P/C	P/C
<p>NOTES:</p> <p>¹ Preexisting single-family dwellings and residential homes may be altered or expanded.</p> <p>² Permitted as an accessory use and subject to the provisions of Section 16.22.050(D)(3).</p> <p>³ Permitted only as an accessory use.</p> <p>⁴ Neighborhood commercial use subject to the provisions of Section 16.44.080.</p> <p>⁵ 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.</p> <p>⁶ Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a noncommercial nature, are permitted; 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.</p> <p>⁷ Neighborhood commercial uses are permitted within the Happy Valley Town Center Plan Area.</p> <p>⁸ Single-family detached units with a maximum floor area of two thousand (2,000) square feet are permitted in the MUR-A zone within the Happy Valley Town Center Plan Area.</p>			

C. Development Standards. The development standards in Table 16.22.050-2 apply to all uses, structures, buildings, and development in the SFA, MUR-A and VTH Districts.

Table 16.22.050-2 Development Standards for SFA, MUR-A and VTH Districts

Standard	SFA	MUR-A	VTH
Residential density (maximum) ¹	15 du/net acre ²	15 du/net acre ²	2,000 sf/primary unit ⁹
Residential density (minimum) ¹	10 du/net acre ²	10 du/net acre	3,000 sf/primary unit ⁹
Lot size (minimum)	2,000 sf	3,000 sf ⁹	2,000 sf
Lot width (minimum)	None	None	None
Lot depth (minimum)	None	None	None

Standard	SFA	MUR-A	VTH
Lot coverage (maximum)	75% ¹²	75% ¹²	65%
Lot landscaping (minimum)	15% ⁷	15% ⁷	25%
Setbacks (minimum):			
Front	10 feet ³	10 feet ³	10 feet ^{10, 11}
Rear	15 feet ^{3, 4}	15 feet ^{3, 4}	15 feet ^{10, 11}
Interior side	5 feet ^{3, 4, 5}	5 feet ^{3, 4, 5}	5 feet ^{5, 10}
Street side	8 feet ³	8 feet ³	5 feet ^{10, 11}
Garage and carport entrances			
Entrances not facing an alley	20 feet	20 feet	20 feet ¹⁰
Entrances facing an alley	20 feet to base floor (foundation only, not including posts or other support mechanisms)	20 feet to base floor (foundation only, not including posts or other support mechanisms)	
	6 feet to upper floors (wall face)	6 feet to upper floors (wall face)	
Between groupings of residential buildings on the same lot	10 feet	10 feet	10 feet
Setback (maximum from street right-of-way or designated accessway)	None	None	18 feet
Building height (maximum)	45 feet ⁸	65 feet ⁸	35 feet
Shared outdoor recreation areas	400 sq. ft./unit provided in accordance with Section 16.42.080		

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F). Cottage clusters must meet a minimum density of four units per gross acre.

² Residential care homes/facilities, duplexes, triplexes, quadplexes, cottage clusters, and accessory dwellings are exempt from the density standards. Townhouses may have a maximum density of 25 units/acre.

³ The minimum front, rear, side and street side building setbacks for public and institutional uses in the SFA district is twenty (20) feet. Cottage clusters shall have a perimeter setback of 10 feet in the MUR-A zone.

⁴ Where the SFA district abuts lower density residential districts, the abutting yards shall have a ten (10)-foot landscaped buffer area.

Standard	SFA	MUR-A	VTH
<p>⁵ Side yard building setbacks for attached single-family (townhouse) may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.</p>			
<p>⁷ Pursuant to Section 16.42.030, twenty (20) percent of the gross developable area of the greater development project must be usable open space—the fifteen (15) percent landscaping standard is applicable to individual lots.</p>			
<p>⁸ Maximum building height for single-family detached/attached is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet in height.</p>			
<p>⁹ Each lot for an attached single-family (townhome) dwelling in the SFA and VTH zones 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. Each lot for a townhouse in the MUR-A zone shall have a minimum size of one thousand and five hundred (1,500) square feet and no maximum lot size. 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. 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. 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.</p>			
<p>¹⁰ Preexisting dwellings and their accessory structures shall comply with the Clackamas County VR-4/5 setback standards.</p>			
<p>¹¹ On a corner lot, one of the required front yard building 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.</p>			
<p>¹² Lot coverage maximum for existing, or where allowed, proposed single-family detached units is fifty (50) percent. Maximum lot coverage does not apply to cottage clusters.</p>			

D. Special Standards for Certain Uses.

1. Special Standards for Public and Institutional Uses.
 - a. Minimum Setbacks.
 - i. Front. Twenty (20) feet.
 - ii. Rear. Twenty (20) feet.
 - iii. Side. Twenty (20) feet.
 - iv. Street Side. Twenty (20) feet.
2. Attached Single-Family Dwellings in the VTH District.
 - a. Configuration and Façades.
 - i. Attached single-family dwellings shall orient to and line streets with a series of attached “rowhouse” units.
 - ii. Front façades shall be designed with balconies and/or bays. Façades facing a street right-of-way or designated accessway shall not consist of a blank wall.

- iii Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
 - b. Entries and Porches.
 - i. Primary entries shall be accessed directly from a street right-of-way and must be visible from the street.
 - ii. 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 façade (not including the garage) with a minimum net depth of six feet.
 - c. Roofs. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.
- 3. Accessory Structures in the VTH District. The following standards apply to accessory structures:
 - a. A maximum of two accessory structures, including one accessory dwelling unit, may be permitted on a lot.
 - b. An accessory structure and its projections shall be detached and separated from other structures by a minimum of three feet.
 - c. Only one accessory structure per lot may exceed one hundred (100) square feet in area.
 - d. Accessory structures greater than one hundred (100) square feet in area shall comply with the following requirements:
 - i. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.
 - ii. 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.
 - iii. 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.
 - e. The front yard setback shall be no less than the front façade 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).
 - f. 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.
 - g. 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:
 - i. 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.

ii. 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.

4. Garages in the VTH District.

a. 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.

b. A detached garage may be placed at the rear of a lot.

c. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front façade (not including porches, bays, and architectural features) and a minimum of twenty (20) feet from the street right-of-way.

d. 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.

e. If located in the front, the garage opening and the driveway shall not exceed a width of ten (10) feet.

f. If an alley adjoins a lot, then garage access from the street is prohibited.

5. Fences and Sight-Obscuring Plantings in the VTH District.

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

b. 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.

6. Manufactured Dwelling Parks in the VTH District.

a. 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 Planning Official or designee.

7. Variances. The requirements of this section may be modified pursuant to Chapter 16.71.

16.22.060 Mixed use residential—Multifamily (MUR-M and MUR-X).

A. Purpose.

1. Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. The multifamily sub-area provides for a range of densities, each of which should be shown on the master plan map. The multifamily 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 by averaging density for the residential district area identified in the master plan. Therefore, some lots may be smaller than the lot sizes given below. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements.

2. MUR-X Mixed Use Buildings with Residential Emphasis. Residential and retail combinations with the primary use of the building being residential. Permitted commercial uses shown on Table 16.22.060-1.

B. Permitted Uses. Table 16.22.060-1 identifies the land uses that are allowed in the MUR-M and MUR-X Districts.

Table 16.22.060-1 Mixed Use Residential—Multifamily (MUR-M and MUR-X) Permitted Uses

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

Land Use	MUR-M Multifamily	MUR-X Mixed Buildings
Residential		
Single-family detached dwellings	X	X
Attached dwellings, (townhouses, attached duplex, rowhouses)	P	P
Multifamily dwellings		
Low	P	P
Medium	P	P
High	P	P
Senior housing	P	P
Skilled nursing facility	C	C
Congregate housing	C	C
Rooming houses	X	X
Accessory dwelling units (per Section 16.44.050)	X	X
Home occupation (per Section 16.69.020)	P	P
Neighborhood Commercial Uses		
Coffee shops, cafés, sandwich shops and delicatessens, restaurants (no drive-through service allowed)	P ¹	
Florists	P ¹	
Grocery, food, specialty foods, and produce stores	P ¹	
Laundromats and dry cleaners	P ¹	
Personal services (e.g., barbershops, hair salons, spas)	P ¹	
Yogurt and ice cream stores	P ¹	
Video rental stores	P ¹	

Land Use	MUR-M Multifamily	MUR-X Mixed Buildings
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 ¹	
Commercial—Retail Uses		
Art and craft supply stores, studios		P
Bakeries		P
Banks, savings and loan associations, loan companies, ATM (not drive-in or drive-through)		P
Bicycle sales, supplies, repair service		P
Book stores		C
Coffee shops, cafés, sandwich shops and delicatessens (no drive-through service allowed)		P
Drug stores		P
Dry cleaners and tailors		P
Florists		P
Gift stores		P
Grocery, food, specialty foods, and produce stores		P
Hotels		P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities		C
Interior decorating shops, sales and service		P
Laundromats		P
Marijuana retailing	X	X
Music shops, sales and service		P
Optometry and optical goods, sales and service		P
Personal services (e.g., barbershops, hair salons, spas)		P
Photo finishing, photography studios		P
Post offices		P
Rental stores, without outdoor storage		P
Restaurants, full service		C
Shoe sales and repair stores		P
Sporting goods, sales and service		P

Land Use	MUR-M Multifamily	MUR-X Mixed Buildings
Stationery stores		P
Taverns, bars and cocktail lounges (1,500 feet from school uses, public parks and churches)		C
Yogurt and ice cream stores		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 ²
Commercial—Offices		
Professional and administrative offices	C ¹	P
Medical office buildings	C ¹	P
Institutional		
Churches, synagogues, temples or places of worship	C	C
Public park, usable open space	C	C
Private and public schools (includes day care)	C	C
Other		
Utility facilities (telecommunication, pump stations, substations)	C	C
Helipad	X	X
Marijuana processing, production and wholesaling	X	X
New streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P
NOTES:		
¹ Neighborhood commercial use subject to the provisions of Section 16.44.080.		
² Where scale and trip generation are compatible with residential development.		

C. Development Standards. The development standards in Table 16.22.060-2 apply to all uses, structures, buildings, and development in the MUR-M and MUR-X Districts.

Table 16.22.060-2 Development Standards for MUR-M1, MUR-M2 and MUR-M3 Districts

Standard	MUR-M1	MUR-M2	MUR-M3
Residential density (maximum) ¹	24 du/net acre	34 du/net acre	50 du/net acre
Residential density (minimum) ¹	15 du/net acre	25 du/net acre	35 du/net acre
Lot size (minimum)	Variable ²	Variable ²	Variable ²
Lot width (minimum)	Variable ²	Variable ²	Variable ²
Lot depth (minimum)	Variable ²	Variable ²	Variable ²

Lot coverage (maximum)	Variable ^{2,3}	Variable ^{2,3}	Variable ^{2,3}
Landscaping (minimum)	Variable ³	Variable ³	Variable ³
Building setbacks (minimum)	Variable ²	Variable ²	Variable ²
Building height (maximum)	65 feet ⁴	65 feet ⁴	65 feet ⁴

NOTES:

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

² Standards are flexible and shall be determined through the master plan process or design review application.

³ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.

⁴ Building height is measured pursuant to Chapter 16.12 Definitions. Maximum building height for single-family (attached) is forty-five (45) feet at the front elevation; the building height may not exceed forty-nine (49) feet at the side and rear elevations.

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
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
Marijuana retailing	P ⁶	P ⁶	X
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

Use	MUC	MUE	RCMU¹
Restaurants full service	P	P	P
Restaurants—Drive-through	P	C	P
Apparel and secondhand stores	P	P	P
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
Yogurt and ice cream stores	P	P	P
Vehicular service/fueling stations	P	P	P
Veterinarian services and pet supplies	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 multifamily	P ^{2,3}	P	P
Medium density multifamily	P ^{2,3}	X	P
High density multifamily	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
Marijuana processing, production and wholesaling	X	X	X
Wholesale sales	X	P	X
Institutional			

Use	MUC	MUE	RCMU ¹
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
Self-storage facilities	P ⁷	X	X
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.

⁶ Pursuant to Chapter 16.49.

⁷ Self-storage facilities shall be limited to a single vertical mixed-use building with office or commercial uses on the ground floor facing the higher classification roadway and where individual storage units are only accessed from within the building and are constructed within a single structure. Not more than one self-storage facility, limited to eighty thousand (80,000) square feet of gross floor area, shall be permitted within the MUC zone, and only on lots or parcels at the intersection of a major arterial facility and a local facility or higher classification.

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
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. A master plan shall be required for development of any land within the 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 Eagle Landing Plan Area:
 - 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 a 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. A master plan for development within 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, a 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 an RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in an 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. A 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 an 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. A master plan 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).

16.23.020 Village Commercial and Village Office Districts.

A. Purpose.

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

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

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

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

Land Use	VO	VC
Residential		
Pre-existing dwellings. Pre-existing dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Chapter 16.72	P	P
Apartments or owner-occupied housing are permitted on upper stories. Up to two stories of apartments may be conditionally permitted as infill on surface parking lots, oriented toward the east-west street facing the Village Green. Any dwelling unit located on the second floor must have its own outside door; exterior staircases are not permitted	X	P
Commercial—Retail Uses		
Antique and secondhand store	X	P
Art supply stores	X	P
Bakery	X	P

Land Use	VO	VC
Bank teller, but not drive-in or drive-through service	P	P
Banks, credit unions, savings and loan, brokerage, and other financial institutions, including drive-thru facilities	C	C
Barber shop, beauty salon	X	P
Bars and cocktail lounge/tavern with OLCC IV or IV-A Minor posting where food service is included, if all activities and operations (except off-street parking and loading) are confined, contained, and conducted wholly within completely enclosed buildings and not located closer than one hundred (100) feet from a residential district or closer than five hundred (500) feet from a school	X	C
Bicycle sales, supplies, repair service	X	P
Book store	X	P
Camera store	X	P
Cafés and delicatessens which serve at least breakfast and/or lunch; catering services. No drive-through window service shall be allowed	P ¹	P
Clothing store	X	P
Coffee shop	P ¹	P
Confectionery stores	X	P
Drugstore	X	P
Dry cleaner, laundry, tailoring and alterations shop	X	P
Electrical/electronic equipment sales, service, repair	X	P
Fabric and dry goods stores	X	P
Florist	X	P
Gallery (art and craft)	X	P
General merchandise store	X	P
Gift store	X	P
Grocery and produce stores	X	P
Hardware and garden supplies store	X	P
Health club, gym	P	P
Helipad	X	X
Home furnishings; interior decorating sales, service	X	P
Indoor commercial amusements including bowling alleys with no more than twelve (12) lanes, billiard halls with no more than six tables, and game rooms which provide no more than twenty (20) mechanical or electric games of science and skill, or any combination thereof	X	C
Jewelry store	X	P

Land Use	VO	VC
Laundromat	X	P
Locksmith	X	P
Marijuana retailing	X	X
Meat and fish markets	X	P
Mobile food units	X	P ²
Novelty store	X	P
Optometry and optical goods, sales, service	X	P
Office supplies	X	P
Personal services	X	P
Pet store	X	P
Photo finishing, photography studios	X	P
Plumbing shops, retail sales, repairs, service	X	P
Post office	X	P
Printing and copying services, telecommuting center	P	P
Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services	P	P
Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities, employment agencies, office management services, notary public, business and communications equipment and service, and real estate offices	P	P
Radio, TV, music stores, sales, service	X	P
Restaurant (III Minor Posting OLCC)	X	P
Schools-commercial, instruction studio	X	P
Service stations; banks with a drive-through window; car washes; or any other drive-through service, provided that they are located on the north end of the village commercial district adjacent to Sunnyside Road	X	C
Shoe and shoe repair stores	X	P
Small appliance sales, service, repair	X	P
Small theaters (seating capacity up to five hundred (500))	X	P
Soda fountain	X	P
Specialty food	X	P
Sporting goods	X	P
Supermarket	X	P
Stationery store	X	P

Land Use	VO	VC
Tailor	X	P
Personal services: answering service, travel agent, etc.	P	P
Toy store	X	P
Upholstery shop	X	P
Variety store	X	P
Vehicle supply store	X	P
Veterinarian services and pet supplies	X	P
Video rental	X	P
Commercial—Offices		
Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer’s representatives, property management, corporate and administrative office	P	P
Professional office: doctors, dentists, chiropractors, service personnel, small clinics or community health care programs	P	P
Medical and dental services, clinics or community health care programs, counseling services, and associated pharmacies	P	P
Testing laboratories and facilities, provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions	P	X
Light manufacturing, assembly, artisan, research and development uses which have physical and operational requirements which are similar to other office uses allowed in this district	P	X
Meeting facilities, cafeterias, and recreation/exercise facilities provided for employees within the same structure with a primary use	P ²	P
Institutional		
Daycare facilities shall be permitted, provided they are integrated within office buildings and do not exceed one thousand five hundred (1,500) square feet or serve more than thirteen (13) children each	P ¹	P
Institutional uses; educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers	C	C
Cultural/public use; galleries and museums; small-scale (seating capacity up to five hundred (500)) assembly or convention facilities and theaters for performing arts; exhibition halls; libraries; senior centers; and fraternal organizations	C	C
Skilled nursing facility and memory care facilities	P	P
Congregate housing	P	P
Other		

Land Use	VO	VC
Marijuana processing, production and wholesaling	X	X
Wireless telecommunication facilities: wireless telecommunication facilities are subject to the requirements of Chapter 16.44.020 (Wireless Communication Facilities).	P/C	P/C
Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.	P ²	P ²
Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work	P ²	P ²
Utility carrier cabinets	P ²	P
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	P ²	P ²
Building and landscape maintenance offices and enclosed storage areas for maintenance equipment	P ²	P
Satellite dishes	P ²	P ²
Recyclable drop-off sites	P ²	P ²
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 ²	P ²
Any use that the planning official or designee finds to be similar to one or more of those specified above	P/C	P/C
NOTE: ¹ Permitted service commercial uses may be provided within an office development, up to a maximum of twenty (20) percent of the gross floor area of the development. ² Pursuant to Section 16.69.030.		

C. Development Standards. The development standards in Table 16.23.020-2 apply to all uses, structures, buildings, and development in the VC and VO Districts.

Table 16.23.020-2 Development Standards for VC and VO Districts

Standard	VC	VO
Residential density (maximum)	None	NA
(minimum)	None	NA
Lot size (minimum)	None	None
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage (maximum)	50%	50%

Standard	VC	VO
Landscaping (minimum)	15%	15%
Setbacks (minimum)	Variable ¹	Variable ¹
Building height (maximum)	45 feet	45 feet
NOTES:		
¹ Standards are flexible and shall be determined through the master plan process or a design review.		

16.23.030 Commercial districts.

A. Purpose.

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

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

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

New mixed commercial centers are limited to an area of up to fifteen (15) acres of contiguous land and shall be developed in a manner consistent with the Comprehensive Plan, except as described in Table 16.23.030-2 (Footnote 6), within the East Happy Valley Comprehensive Plan Area. Single-use retail buildings are limited to a maximum square footage of sixty thousand (60,000) square feet as specified in Table 16.23.030-2 (Footnote 6). Appropriate locations for mixed commercial centers are at the intersection of two arterial streets or an arterial and a major collector, preferably on streets served by transit.

All MCC developments involving twenty (20) acres or more of land shall be subject to master plan approval prior to development.

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

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

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

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

Land Use	CCC	MCC
Residential		
Pre-existing dwellings. Pre-existing dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Chapter 16.72	P	P
Medium to high density residential	P ^{1,2}	P ^{1,3}
Senior housing	P	P
Skilled nursing facility	P	P
Congregate care	P	P
Home occupations (per Section 16.69.020)	P	P
Home occupations, subject to a conditional use review (per Section 16.69.020)	C	C
Commercial—Retail Uses		
Art and craft supply stores, studios	P	P
Bakeries	P	P
Banks, savings and loan associations, loan companies, ATM (without drive-through)	P	P
Banks, savings and loan associations, loan companies, ATM (with drive-through) (per Section 16.44.090)	P/X ⁴	P
Barber shops, beauty salons	P	P
Bicycle sales, supplies, repair service	P	P
Book stores	P	P
Camera stores	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P ⁴	P ⁴
Drug stores	P ⁴	P ⁴
Dry cleaners and tailors	P ⁴	P ⁴
Florists	P	P

Land Use	CCC	MCC
Home furnishing stores	P	P
Gift stores	P	P
Grocery, food, specialty foods, and produce stores	P ⁴	P ⁴
Hotels	C	P
Helipads	X	X
Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C	P
Interior decorating shops, sales and service	P	P
Laundromats	P	P
Marijuana retailing	P ⁶	P ⁶
Music shops, sales and service	P	P
Mobile food units	P ⁵	P ⁵
Optometry and optical goods, sales and service	P	P
Photo finishing, photography studios	P	P
Rental stores, without outdoor storage	P	P
Restaurants—full-service (without drive-through)	P	P
Restaurants—drive-through (per Section 16.44.090)	P/X ⁴	P
Secondhand stores	C	C
Shoe sales and repair stores	P	P
Sporting goods, sales and service	P	P
Stationery stores	P	P
Taverns, bars and cocktail lounges (a minimum distance of one thousand five hundred (1,500) feet from school uses)	C	C
Theaters or assembly halls	C	C
Vehicular service/fueling stations	P	P
Yogurt and ice cream stores	P	P
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination by the Planning Official	P ⁴	P ⁴
Commercial—Offices		
Professional and administrative offices	P	P
Medical office buildings, clinics and laboratories	P	P
Institutional		
Churches, synagogues, temples or places of worship	C	C

Land Use	CCC	MCC
Library, post office, community center, etc.	P	P
Public parks, usable open space	C	C
Public and private schools (includes commercial day care, dancing and music schools)	C	C
Other		
Marijuana processing, production and wholesaling	X	X
Self-storage facilities	X	P ⁷
NOTES:		
¹ Residential uses on upper floors of mixed use buildings are permitted. In such cases, Notes 2 and 3 below do not apply.		
² Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property.		
³ Residential uses at MUR-M2 densities (25—34 du/acre) in conjunction with nonresidential uses are permitted by this code. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the MCC zoned area of the parcel or subject property.		
⁴ Drive-through facilities not permitted for these uses, and all other uses, within the CCC zoned areas of the Happy Valley Town Center Plan Area.		
⁵ Pursuant to Section 16.69.030.		
⁶ Pursuant to Chapter 16.49.		
⁷ Self-storage facilities shall be limited to a single building where individual storage units are only accessed from within the building and are constructed within a single structure. Not more than one self-storage facility, limited to 60,000 square feet of building footprint, shall be permitted within the MCC zone, and only on lots or parcels within the Happy Valley Town Center area and abutting Rock Creek.		

C. Location Criteria.

1. Appropriate locations for mixed commercial center 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. Appropriate locations for community commercial center 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.

D. Development Standards.

- The development standards in Table 16.23.030-2 apply to all uses, structures, buildings, and development in the CCC and MCC Districts.

Table 16.23.030-2: Development Standards for CCC and MCC Districts

Standard	CCC	MCC
Residential density ¹ (minimum—maximum)	10 to 34 du/acre	25 to 34 du/acre
Lot size (minimum)	None	None
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage (maximum)	75%	75%
Landscaping (minimum)	None	None
Building setback (minimum):		
Front	0 ft.	0 ft.
Rear	None ²	None ²
Interior side	None ³	10 ft. ⁴
Street side	0 ft.	0 ft.
Building setback (maximum):		
Front	None	20 ft.
Rear	None	None
Side	None	None
Building height (maximum)	35 ft. ⁷	60 ft. ⁷
Building size	30,000 s.f. ⁵	60,000 s.f. ⁶

NOTES:

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

² 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 (10) feet. The required rear setback shall be increased by one-half foot for each foot by which the building height exceeds twenty (20) feet.

³ 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 (10) feet. The required side setback shall be increased by one-half foot for each foot by which the building height exceeds twenty (20) feet.

⁴ 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 one-half foot for each foot by which the building height exceeds twenty (20) feet.

⁵ Maximum building square footage for single use retail buildings is limited to thirty thousand (30,000) square-foot building footprint per structure. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.

⁶ Maximum building square footage for single use retail buildings is limited to a sixty thousand (60,000) square-foot building footprint per structure. However, as illustrated within the East Happy

Valley Comprehensive Plan Map, one MCC zoned center may exceed the fifteen (15) acre limit noted above but shall not exceed twenty (20) acres of contiguous property. In this center, the maximum building footprint size is limited to one hundred fifty thousand (150,000) square feet per structure, provided the entire contiguous twenty (20) acre is master planned prior to new development. If the entire contiguous twenty (20) acre area is not master planned together, the maximum building footprint size shall remain sixty thousand (60,000) square feet. An area is not considered to be contiguous if it is separated from an adjacent MCC District by a public right-of-way. Further, as part of demonstrating compliance with master plan requirements, design review to the Happy Valley Style, and other code criteria, applicants shall demonstrate how:

- a. The visual impact of larger scale development has been mitigated;
- b. The streetscape is pedestrian-oriented and varied to create visual interest;
- c. Public amenities are provided and scaled appropriately;
- d. Transitions to adjacent areas and future development are provided;
- e. Adequate infrastructure is provided; and
- f. Overall design excellence aligns justifies the larger than normal scale of the project.

⁷ Building height is measured pursuant to Chapter 16.12, Definitions.

2. Off-Street Parking and Loading (Vehicle and Bicycle). Off-street parking and loading spaces shall be provided as required in Chapters 16.41 and 16.43.

3. Landscaping. Landscaping shall be provided as required in Chapter 16.42.

4. Pedestrian Access and Circulation. Adequate pedestrian access and circulation systems shall be provided as required in Chapter 16.41.

E. Special Standards.

1. Design Review. New development in the Mixed Commercial Center and Community Commercial Center Districts shall be subject to Chapter 16.62, Land Use and Design Review, and Chapter 16.46, Happy Valley Style Design Standards. Development in the Mixed Commercial Center District involving twenty (20) acres or more of land shall be subject to Chapter 16.65, Master Planned Developments.

2. Pedestrian Oriented Areas. MCC zoned centers 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 design review and/or master plan review, applicants shall demonstrate compliance with this standard by using a combination of the following, or similar, concepts and guidelines:

- a. Provision of a “main street” and/or village center area that is framed by buildings oriented to both sides of the street or center;
- b. On-street parking;
- c. Storefront character, with entries oriented to the street, large display windows, and front façades broken into divided bays;
- d. Public plazas and promenades;
- e. Strong corners, as described in Happy Valley Style;

- f. Residential uses on upper stories;
- g. Public uses in prominent locations.

Chapter 16.24 INSTITUTIONAL DISTRICTS

16.24.010 Institutional and Public Use (IPU) District.

A. Purpose. The IPU District proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semipublic 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. Permitted Uses. Table 16.24.010-1 identifies the land uses that are allowed in the IPU District.

Table 16.24.010-1 Institutional and Public Use (IPU) Permitted Uses

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

Land Use	IPU
Commercial—Retail Uses	
Commercial daycare facilities	C
Institutional	
Cemeteries, mortuaries and funeral homes	C
Church, synagogue, temple or cathedral or other places of worship	P
Schools, public or private	P
Service district functions and operations, including but not limited to fire district facilities, water district facilities, radio and television station production 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	P
Parks, public or private, but not including commercial recreation facilities	P
Public buildings, functions or operations, including stand-alone parking lots and all military uses or activities	P
Public utility substations or other functions	P
Other	
Broadcast towers or other antennae, not including wireless communication facilities ¹	C
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P
Temporary use of a trailer, mobile home or other building for a use incidental to construction work, provided that: The maximum time period is six months, with a maximum extension for another six months;	C

Land Use	IPU
<p>The trailer, mobile home or other building is connected to an approved sewage disposal system;</p> <p>A building permit for a permanent structure has been issued;</p> <p>The temporary home or building shall be removed upon completion or abandonment of construction; and</p> <p>No reasonable alternative, such as the availability of nearby rental housing, exists.</p>	
Wireless communication facilities subject to Section 16.44.020	C
Any permitted use which will include the storage of fuel or any form of combustible materials which exists in a liquid or non-solid form	C
Helipad ²	C
<p>NOTES:</p> <p>¹ The base of towers or other antennae may not be closer to any residential property line or street right-of-way than a distance equal to the height of the tower.</p> <p>² Subject to applicable FAA rules and regulations.</p>	

C. Development Standards. The development standards in Table 16.24.010-2 apply to all uses, structures, buildings, and development in the IPU District.

Table 16.24.010-2 Development Standards for IPU District

Standard	IPU
Lot size (minimum)	None
Lot width (minimum)	None
Lot depth (minimum)	None
Street frontage (minimum)	50 ft.
Lot coverage (maximum)	None, provided that all setback and parking requirements are met
Landscaping (minimum)	None
Building setbacks (minimum):	
Front	20 ft.
Rear	20 ft.
Interior side	10 ft.
Street side (corner lot)	15 ft.
Building height (maximum) ¹	50 ft.

NOTES:

¹ Building height is measured pursuant to Chapter 16.12, Definitions.

Chapter 16.25 INDUSTRIAL DISTRICTS

16.25.005 Rock Creek Mixed Employment (RC-ME) District.

A. Purpose. The Rock Creek Mixed Employment (RC-ME) District permits land uses with high job densities that provide stable, family-wage employment within the City. This district provides a mix of uses that are compatible with nearby residential, institutional and commercial uses and provides a buffer between residential and more formally “light industrial” areas to the east. Permitted uses in the Rock Creek Mixed Employment District include office, creative arts, small-scale manufacturing, research and development, and medical centers. Commercial uses are limited to those serving the primary uses of the district. A limited number of residential uses, including pre-existing dwelling units, are permitted by right.

B. Permitted Uses. The following uses are permitted in the RC-ME District.

Table 16.25.005-1 Rock Creek Mixed Employment (RC-ME) Permitted Uses

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

Land Use	RC-ME
Residential	
Single-family dwellings, when pre-existing as of June 1, 2008	P ¹
Home occupations in pre-existing dwellings	P
Assisted living facilities, congregate housing, continuing care retirement community and skilled nursing facilities	C ²
Commercial—Retail	
Commercial day care	C
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C
Marijuana retailing	X
Parking lot (when not an accessory use)	X
Restaurant—Full service	P ³
Retail—Sales	P ⁹
Retail—Personal services	P ⁴
Commercial—Office	
Professional and administrative offices	P
Medical office buildings	P
Industrial	
Industrial services—Fully enclosed	P ⁵
Manufacturing and production—Fully enclosed	P
Marijuana processing, production and wholesaling	X
Fabrication	P
Energy recovery systems	

Land Use	RC-ME
Research and development facilities	P
Laboratories	P
Repair, finishing, and testing	P
Assembly	P
Distribution center	P ⁶
Warehouse	P ⁶
Institutional	
Basic utilities	P
Colleges	P ⁷
Emergency services	P
Medical centers	P
Hospitals, including helipads ¹⁰	P
Postal service facilities	P ⁸
Public parks and open space—Pedestrian amenities	P
Public parks, usable open space	P
Public schools, parks, and open space—Parks and recreation facilities	C
Other	
Agriculture—Animals/horticulture when pre-existing as of June 1, 2008	P
Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the City’s Transportation System Plan)	P
Wireless telecommunication facilities. Wireless telecommunication facilities are subject to the requirements of Section 16.44.020 (Wireless communications facilities)	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
Any use that the Planning Official or designee finds to be similar to one or more of those specified above	P/C
<p>NOTES:</p> <p>¹ Pre-existing dwellings are allowed to remodel or expand.</p> <p>² Assisted living and senior housing may include a range of housing type including single-family detached, single-family attached, assisted-living multifamily units, and congregate care facilities permitted on a single property to provide for a variety of dwelling units and continuous care for seniors of varying levels of health and independence.</p> <p>³ Drive-through facilities are not permitted.</p> <p>⁴ Maximum building size of twenty thousand (20,000) gross square feet.</p> <p>⁵ Outdoor storage or outdoor fleet storage not permitted.</p>	

Land Use	RC-ME
⁶ Permitted as an accessory use—May not exceed twenty (20) percent of the total site area. ⁷ Use limited to public and nonprofit institutions providing technology, health sciences or creative arts education and job training. No dormitories permitted. ⁸ Fleet parking or mail processing centers not allowed. Permitted use limited to direct consumer services.	
⁹ Retail sales uses may not exceed sixty thousand (60,000) square feet of gross lease area in a single building; or commercial retail uses with a total of more than sixty thousand (60,000) square feet of retail sales area on a single lot or parcel; or, on contiguous lots or parcels, including those separated only by transportation right-of-way. ¹⁰ Subject to applicable FAA rules and regulations.	

C. Master Plan Required. Within the RC-ME District, uses will provide high densities of employment. This district encourages creative development patterns that achieve these densities in a well-planned, urban environment. Development on sites of ten (10) acres or larger shall require preparation of a master plan pursuant to subsection E of this section. On sites smaller than ten (10) acres, the preparation of a master plan shall be optional. However, if a master plan is not prepared, the development shall be subject to Chapter 16.62 (Land Use Review and Design Review). As part of the design review application, the applicant shall provide a traffic impact analysis (TIA) as required by the City Engineer. The traffic impact analysis shall be consistent with the requirements of OAR 660-012-0060(1)—(3) and the requirements of subsection (E)(4)(b)(ix) of this section. Development will not be approved prior to submission and review of this analysis.

D. Development Standards.

1. Compliance Required. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances pursuant to Chapter 16.71 (Variances), or adjustments in accordance with the RC-ME Master Plan process as contained in subsection E.
2. Development Standards. Development in the RC-ME District shall comply with all of the development standards in the table below and all other applicable standards in this title, except as modified through the RC-ME Master Plan provisions in subsection (E)(4)(b)(iv).

Table 16.25.005-2 Development Standards for RC-ME District

Standard	RC-ME
Minimum lot size	1 acre ¹
Minimum lot width	100 ft.
Minimum lot depth	100 ft.
Minimum/maximum floor area ratio (FAR)	Maximum of 2:0 unless increased through a Master Plan
Minimum setbacks	
Front and side facing street on corner and through lots	50 feet when abutting a major arterial, highway or expressway, otherwise, setback equals zero feet

Standard	RC-ME
Side/rear yard	50 feet when abutting a residential zoning district, otherwise, setback equals zero feet
Maximum building height	Established through Master Plan except for a maximum height of 70 ft. within 100 ft. of an abutting residential district
Minimum landscape/open space	15% of net site area shall be landscaped. Up to 1/3 of the required landscaped area may be used for active or passive recreational use or pedestrian amenities. Examples include walking/running paths, play areas, plazas, picnic areas, water quality facilities, open recreational facilities and natural existing landscaping
<p>NOTES:</p> <p>¹ Legal lots of record of less than one acre created prior to the adoption of these regulations shall be conforming for purposes of development.</p>	

E. Master Plan Requirements Specific to the RC-ME District.

1. Purpose. The purpose of the RC-ME Master Plan is to allow large-scale, multiphased developments to obtain approval of several projects at one time within the RC-ME District. The RC-ME Master Plan process allows the review authority to evaluate the cumulative impacts associated with the full build-out of the overall development, to ensure that the impacts of such development are mitigated to the extent practicable and to coordinate the provision of future infrastructure.
2. Applicability. These provisions shall apply to all development on parcels ten (10) acres in size or larger within the RC-ME District and may be used voluntarily for parcels smaller than ten (10) acres.
3. Components of RC-ME Master Plans and Detailed Phasing Plans.
 - a. Concept Master Plan. A proposed plan for development of the site at full build-out of the concept plan that contains the approximate building envelopes by use within a conceptual framework including pedestrian, bicycle and vehicular circulation, open space/natural resource and on-site utility plans. The concept plan also includes minimum and maximum development standards; architectural, landscaping and pedestrian design standards; building and landscaping materials lists; and other information that will illustrate planned development. The plan also shall include a phasing plan and proposed schedule of development. For each phase of development and at full build-out, the applicant shall identify the total square footage by type of use; development density; parking and traffic generation; on-site utility requirements; and required off-site capital improvements for roads and other public infrastructure. A detailed traffic impact analysis (TIA) detailing traffic volumes at each phase of development and at full build-out is required.

b. Detailed Phasing Plans. At the time of development of each phase of development, the applicant shall present a detailed development plan including, but not limited to, the maximum size, location and use of specific buildings; size and location of parking facilities; building and parking structure elevations; location and design of on-site pedestrian, bicycle and vehicle circulation; design and location of open space and natural resource protection; and detailed utility plan. The applicant also shall confirm traffic impacts for the phase originally identified in the overall TIA required at the time of the concept plan approval. The proposed development shall substantially conform to the architectural and site design standards approved in the Concept Master Plan.

4. RC-ME Concept Master Plan Submittal Requirements.

a. Existing Conditions Plan.

i. Legal description of all parcels on the proposed site within the applicant's ownership or control.

ii. Vicinity map that identifies abutting uses. For the purposes of these regulations, "abutting" means those properties sharing one or more property lines with the subject site.

iii. Zoning map that identifies base and overlay zoning designations for the proposed site and abutting properties.

iv. Site description for all property in the applicant's ownership and/or control including the following information provided in narrative, tabular and/or graphic formats:

(A) Topography and natural resources including 100-year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees and individual trees with a caliper greater than six inches as measured four feet above grade; significant fish and wildlife habitat, and natural hazards such as steep slopes greater than fifteen (15) percent and unstable, impermeable or weak soils. The application must include a site plan with no greater than two-foot contours for slopes of zero to ten (10) percent and no greater than five-foot contours for slopes greater than ten (10) percent;

(B) Inventory of Goal 5 resources, including natural, cultural, historic and/or archeological resources on the site, if any;

(C) Existing building inventory including use, location and size, noting whether any existing buildings will be retained and incorporated into the final build-out of the site;

(D) Location and size of all public and private utilities on and immediately abutting the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines; and

(E) Location of all public and private easements.

v. Detailed description of the existing roadway system within and adjacent to the site including:

- (A) Street classification of all internal and adjacent streets;
 - (B) Transit service availability;
 - (C) Baseline traffic impact study within the vicinity of the site prepared by a licensed civil engineer to include information as required by the City’s Engineer.
- vi. Description and evaluation of capacity of existing infrastructure on and in the vicinity of the site.
- b. Concept Master Plan.
- i. A proposed plan for development of the site at full build-out at the conceptual level including:
 - (A) Master plan boundary;
 - (B) Approximate location and building envelopes by use;
 - (C) Pedestrian, bicycle and vehicular circulation plan;
 - (D) Open space/natural resource plan;
 - (E) On-site utility plan.
 - ii. Phasing plan and tentative schedule that establishes the likely order in which the site will develop. Such a phasing plan is presented for purposes of estimating roadway and public utility capacity, with the understanding that phases may be developed out of order and that timing is approximate.
 - iii. Calculations for each phase and at total build-out of the following:
 - (A) Gross and net acreage, with the latter including deductions for public streets, natural resource corridors and other non-private development activities;
 - (B) Maximum number of employees and anticipated number of patient and related visits on typical weekday;
 - (C) Maximum development area, as expressed in gross square feet;
 - (D) Maximum total floor-to-area (FAR) ratio;
 - (E) Maximum building coverage, as expressed in percentage of total net site area;
 - (F) Minimum open space, as expressed in percentage of total net site area;
 - (G) Total number of employee and visitor parking spaces required.
 - iv. Minimum and maximum development standards, including, but not limited to, and as appropriate:
 - (A) Minimum and maximum lot size;
 - (B) Minimum and maximum setbacks;
 - (C) Maximum height, which may vary throughout the site;
 - (D) Maximum FAR at full build-out;
 - (E) Maximum building coverage at full build-out;

- (F) Minimum open space requirements at full build-out;
 - (G) Minimum and maximum vehicular and bicycle parking ratios by use;
 - (H) Minimum number of loading bays.
- v. Design standards including, but not limited to:
- (A) Architectural design standards, including design illustrations and building materials boards;
 - (B) Landscaping, including design standards and standardized plant list. Native plant materials are preferred where practicable;
 - (C) Pedestrian facilities, including development standards, materials and street furniture;
 - (D) Bicycle parking facilities, including specifications;
 - (E) Signage plan including prototypical examples, color palette and materials board.
- vi. Graphic illustrations of proposed development at full build-out including, but not limited to:
- (A) Density “block” and other three-dimensional concept studies;
 - (B) Illustrative color “typical” street perspectives that portray the proposed architectural style and urban design elements to be used throughout the development, in recognition that these are still conceptual in nature.
- vii. Goal 5 resource protection plan, if needed.
- viii. Public utility capacity analyses/infrastructure plans for each phase and total build-out, as required by the City Engineer.
- ix. Traffic impact analysis (TIA) for each phase and total build-out, as required by the City Engineer. The traffic impact analysis shall be sufficient to demonstrate compliance with OAR 660-012-0060(1)—(3). Development of the site will not be approved without this analysis. The traffic impacts will be reviewed against, and any mitigation must be consistent with, the function, capacity and performance standards of affected transportation facilities. The following criteria apply only when compliance with the Transportation Planning Rule is deferred to the master plan stage, in which case the TIA shall identify whether the plan or proposed development significantly affects a transportation facility by:
- (A) Changing the functional classification of an existing or planned transportation facility;
 - (B) Changing the standards implementing the street classification system;
 - (C) Allowing types or levels of development that would result in levels of travel or access that are inconsistent with the level of service of a transportation facility;
 - (D) Reducing the performance of a transportation facility below the minimum acceptable performance standard identified in the City of Happy Valley Transportation System Plan; or

- (E) Reduce the performance of a transportation facility that is otherwise performing below the minimum acceptable performance standard identified in the City Transportation System Plan.
 - x. A proposed Concept Master Plan or Detailed Phasing Plan that will significantly affect a transportation facility must ensure that the proposed uses or development are consistent with the identified function, capacity and performance standards of the transportation facility by:
 - (A) Limiting the proposed uses or development to be consistent with the function, capacity, and performance standards of the transportation facility;
 - (B) Altering densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (C) Providing or improving transportation facilities sufficient to support the proposed uses or development.
5. RC-ME Detailed Phasing Plan Submittal Requirements.
- a. Detailed Phasing Plan of Subsequent Phases. The following information shall be required for each Detailed Phasing Plan:
 - i. Schedule for initiating and completing construction of phase.
 - ii. Anticipated utilization at completion of the phase, including the total number of employees, daily visitors and other indicators of full utilization of the structure(s) within the phase.
 - iii. Detailed description of all proposed development presented in narrative, tabular and/or graphic formats as follows:
 - (A) Description of new buildings anticipated, including size, location, approximate footprint and use;
 - (B) All other site improvements including new surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, bicycle and vehicular circulation; transit stops; pedestrian/transit amenities; and open space and landscaped areas;
 - (C) The location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines;
 - (D) Landscaping plan;
 - (E) Goal 5 resource protection plan, if required;
 - (F) Sign plan;
 - (G) Lighting plan;
 - (H) Grading and erosion control plans.
 - iv. Building elevations.
 - v. Summary of development intensity at completion of the phase including average FAR and lot coverage for the development area and for the site as a whole.

- vi. Calculation of minimum vehicular and bicycle parking spaces based on parking ratios established in the Concept Master Plan.
 - vii. Reconfirmation of traffic impacts associated with completion of the phase first described in the TIA prepared for the Concept Master Plan.
 - viii. Neighborhood communication and coordination plan to ensure that the applicant implements an on-going process for communicating and problem resolution with neighbors.
 - ix. Narrative that demonstrates how the Detailed Phasing Plan for the specific project or groups of projects within a phase are consistent with the phase as conceptually approved in the Concept Master Plan. If there is some aspect of the phase that does not comply, the applicant may request a Detailed Phasing Plan modification as described in subsection H.
6. RC-ME Concept Master Plan and Detailed Phasing Plan Approval Process.
- a. Initial Approval. The initial application for a Concept Master Plan shall be reviewed as a Type III-PC quasi-judicial action at a public hearing before the Planning Commission and subsequently, with regard to architectural standards, by the Design Review Board, pursuant to the requirements of this section and using the approval criteria contained in subsection (E)(7). The application also may include a request for a use that is permitted conditionally in Table 16.25.005-1 subject to the requirements of Chapter 16.64 of this title. As part of the review process for the Concept Master Plan, the Design Review Board shall consider alternative design standards for institutional development in the Rock Creek Mixed Employment area in lieu of the “Happy Valley Style” design standards that govern the design of development elsewhere in the City.
 - b. Detailed Phasing Plans. Prior to construction of one or more projects within a phase of development approved in the Concept Master Plan, the applicant shall submit a Detailed Development Plan that contains all of the information listed in the submittal requirements for review and approval by the Community Development Director or designee, using the approval criteria in subsection (E)(7). This review shall be undertaken in lieu of the City’s formal design review process.
 - c. Concurrent Review. An applicant may submit applications for initial review of the Concept Master Plan and review of the first and subsequent Detailed Phasing Plan(s) to be reviewed concurrently. In this case, the Detailed Phasing Plan for one or more phases of development shall be reviewed at the public hearing before the Planning Commission and Design Review Board at which the Concept Master Plan is reviewed. The Detailed Phasing Plan shall require no further review, providing the phase is built out in a manner that is substantially consistent with that which was approved.
7. RC-ME Concept Master Plan and Detailed Phasing Plan Approval Criteria.
- a. Concept Master Plan. An application for a Concept Master Plan must demonstrate compliance with the following criteria:
 - i. Content. The Concept Master Plan must contain all of the components required in subsection (E)(4).

- ii. Compliance With all Applicable Standards. The proposed development and uses must comply with all applicable standards of this title, except where modifications are being approved as part of the Concept Master Plan.
 - iii. Traffic System Capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases, or there will be adequate capacity by the time each phase of development is completed, as demonstrated by a TIA that conforms with the requirements of subsection (E)(4)(b).
 - iv. Availability of Public Services. There is either sufficient capacity for public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to support adequately the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
 - v. Protection of Designated Resources. Resources such as historic landmarks, significant trees and sensitive natural resources identified on the City's Goal 5 inventories are protected and enhanced in compliance with the regulations in this and other titles of the Municipal Code.
 - vi. Internal Design Compatibility With Adjacent Uses. The Concept Master Plan must contain building design, landscaping, parking and circulation elements that minimize conflict with adjacent uses to the greatest extent practicable.
 - vii. Mitigation of Off-Site Impacts. All potential off-site impacts including litter, noise, shading and glare shall be identified and mitigated to the greatest extent practicable.
- b. Detailed Phasing Plans. To obtain an approval of one or more subsequent phases of development, the applicant shall demonstrate compliance with all of the following criteria:
- i. Consistency. A Detailed Phasing Plan shall be substantially consistent with the phase as approved in the Concept Master Plan.
 - ii. Content. A Detailed Phasing Plan shall contain all of the information required in the submittal requirements in subsection (E)(5).
 - iii. Numerical Development Standards. A Detailed Phasing Plan shall adhere to all of the numerical development standards approved in the Concept Master Plan. However, as part of the review of a Detailed Phasing Plan, the applicant may introduce modifications necessary for a specific project or projects subject to the approval criteria without the requirement for a variance, if the proposed modification is equal to or less than a twenty (20) percent increase or decrease in the numerical standard. If the proposed modification involves a change in a numerical standard of greater than twenty (20) percent, the review of the Detailed Phasing Plan shall be accompanied by a concurrent variance request consistent with the requirements of Chapter 16.71 of this title.
 - iv. Design and Nonnumerical Development Standards. A Detailed Phasing Plan shall adhere to all of the design and nonnumerical development standards approved in the Concept Master Plan. However, as part of the review of a Detailed Phasing

Plan, the applicant may introduce any modifications necessary to a specific project or projects subject to the approval criteria and the provisions of subsection H.

8. Conditions of Approval. In approving the Concept Master Plan and subsequent Detailed Phasing Plans, the appropriate Review Authority may impose any conditions it deems necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

F. Vesting.

1. Applicability. A complete application for a Concept Master Plan shall be reviewed under this Chapter and the zoning, development and other land use ordinances in the Happy Valley Municipal Code, including any uncodified ordinances modifying the same, in effect on the date the Concept Master Plan is submitted. An approved Concept Master Plan may be implemented by means of Detailed Phasing Plans for subsequent phases under the zoning, development and land use ordinances applied by the City in its review of the Concept Master Plan, provided the phases are implemented in substantial compliance with the Concept Master Plan. An approved Concept Master Plan shall govern subsequent phases for the period described in subsection G.

2. Vesting of Infrastructure Capacity. An approved Concept Master Plan may include a list of on-site and off-site transportation improvements and other public infrastructure needed to support each proposed phase of development. In the event that the applicant agrees to install public improvements or infrastructure in excess of the capacity needed for a particular Detailed Phasing Plan, and in conformance with an approved Concept Master Plan, the City, through a development agreement or the formation of a reimbursement district, or both, shall accommodate future uses and building square footages based on the extent of the overbuilt infrastructure and consistent with the approved Concept Master Plan.

3. Loss of Vesting. A Detailed Phasing Plan for which modification is sought under subsection (H)(4) or (H)(5) is not subject to the laws in effect when the Concept Master Plan was submitted as described in subsection (F)(1). An application for a Detailed Phasing Plan that is subject to subsection (H)(4) or (H)(5) shall comply with the land use regulations in effect at the time the Phasing Plan is submitted. Post-approval modifications that require only a minor review pursuant to subsection (H)(3) do not result in the loss of the vesting described in subsection (F)(1).

G. Term.

1. General. The term of a Concept Master Plan shall not exceed fifteen (15) years. An extension may be granted in accordance with the criteria and procedures provided in subsection (G)(2).

2. Extension. If all phases of development in the approved Concept Master Plan are not built within the approved term, the applicant may request an extension in writing to the Community Development Director. Two one-year extension requests may be approved subject to the following criteria:

- a. The applicant has pursued in good faith completing the build-out of the approved Concept Master Plan;

- b. There have been no changes to the comprehensive plan, development code or other applicable governing documents that are inconsistent with the approved Concept Master Plan;
 - c. There are no other significant changed conditions that would render the extension of the Concept Master Plan contrary to the public health, safety or general welfare.
3. An extension request shall be filed in writing with the Community Development Director at least sixty (60) days prior to the expiration of the initial fifteen (15) year period or any subsequently approved extensions.

H. Post-Approval Modification of a Detailed Phasing Plan.

1. Purpose. The purpose of this subsection is to address instances in which the applicant may not be able to construct a phase of the development exactly as approved in an approved Detailed Phasing Plan. This subsection permits the applicant to seek post-Concept Master Plan approval changes using a review process that is determined by the magnitude of the proposed change or changes. As noted in subsection F, post-approval modifications that require a quasi-judicial review by either the Community Development Director or Planning Commission or Design Review Board, procedure result in a loss of vesting in the approval criteria for that specific phase of development.
2. Modifications Allowed by Right. The following modifications are permitted by right and are allowed upon issuance of a building permit, if required:
- a. Interior improvements;
 - b. Exterior improvements associated with existing buildings that do not involve an expansion of floor area, subject to all applicable base zone development and design standards, as modified in the approved Concept Master Plan, and relevant conditions of approval thereto;
 - c. Installation of new or modification of existing mechanical or electrical equipment, subject to all applicable base zone development and design standards, as modified in the approved Concept Master Plan, and relevant conditions of approval thereto;
 - d. Maintenance of existing facilities when a building permit is required.
3. Minor Decision. The following modifications shall be reviewed by the Community Development Director or designee, pursuant to the City's administrative decision-making procedure:
- a. Modification of the location of an approved building or building addition, providing the modification complies with the development and design standards, as approved in the Concept Master Plan and as modified in the applicable Detailed Phasing Plan, including all relevant conditions of approval thereto;
 - b. Modification of use, design, or development standards including architecture, landscape architecture, pedestrian and bicycle facilities; signs and/or lighting elements approved in the approved Concept Master Plan as modified in the applicable Detailed Phasing Plan approval, including all relevant conditions of approval thereto;
 - c. A new building of any size in any location that replaces a building approved but not constructed, providing there is: (i) no net increase in total building coverage, and (ii)

compliance with the approved Concept Master Plan as modified in the applicable Detailed Phasing Plan approval, and all relevant conditions of approval thereto;

d. New buildings or building additions up to ten thousand (10,000) gross square feet (gsf) not anticipated and, therefore, not contained in the approved Concept Master Plan as modified in the applicable Detailed Phasing Plan approval. Construction of such unanticipated buildings or building additions shall not exceed ten thousand (10,000) gsf in any one year, and shall not exceed thirty thousand (30,000) gsf in any four years. As part of this review, the applicant shall provide information on the amount of floor area built to date for the year in which the application is submitted, and the amount of floor area built within the four-year period preceding the request;

e. Adjusting the sequence of buildings within a phase of development provided that there is no net increase in traffic impacts.

4. Quasi-Judicial Review by the Community Development Director. The following modifications shall be reviewed by the Community Development Director or designee, pursuant to the City's quasi-judicial decision-making procedure:

a. A change in the approved site boundary resulting in the exchange of properties where the total amount of land in the approved boundary remains the same or is decreased;

b. A new building or building addition exceeding ten thousand (10,000) gsf but less than fifty thousand (50,000) gsf, not anticipated and, therefore, not contained in the approved Concept Master Plan as modified in the applicable Detailed Phasing Plan approval. For new buildings or building additions exceeding twenty-five thousand (25,000) gsf under this provision, the applicant shall provide traffic and parking analyses of the proposal as part of the application;

c. An increase or decrease of up to ten (10) percent in the total number of parking spaces approved in the Concept Master Plan approval as modified in the applicable Detailed Phasing Plan approval. The applicant shall provide a parking analysis related to the proposal as part of the application.

5. Quasi-Judicial Review by the Planning Commission or Design Review Board. The following modifications shall be reviewed in a public hearing before the Planning Commission or Design Review Board, pursuant to the City's quasi-judicial decision-making procedure:

a. Expansion of the master plan boundary beyond that contained in the approved Concept Master Plan as modified in the applicable Detailed Phasing Plan approval;

b. New building or building additions of fifty thousand (50,000) gsf or more, not anticipated and, therefore, not contained in the initial Concept Master Plan approval as modified in the applicable Detailed Phasing Plan approval;

c. Proposals that result in an increase of ten (10) percent or more of site-generated vehicular trips approved in the Concept Master Plan approval as modified in the applicable Detailed Phasing Plan approval;

d. An increase or decrease greater than ten (10) percent in the total number of parking spaces approved in the Concept Master Plan approval as modified in the applicable Detailed Phasing Plan approval;

- e. A proposed use or development that was denied in the approved Concept Master Plan.

16.25.010 Industrial districts.

A. Purpose.

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

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

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

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

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

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

Land Use	EC	IC
Residential		
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 ¹	X
Commercial—Retail		
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 ^{3, 12}	P ^{3, 12}
Outdoor recreation, commercial	X/C ⁹	X
Parking lot (when not an accessory use)	X	C/X ⁷
Quick vehicle servicing or vehicle repair	C	P
Retail sales—Includes used homes, trailers, motor homes and recreational vehicles	P ^{2, 7}	P ^{3, 7}
Commercial service	P ²	P ³
Self-service storage—Includes mini-storage and recreational vehicle storage facilities	X	P/X ⁷
Marijuana retailing	X	X
Commercial—Office		
Offices	P	P ⁴

Industrial⁵		
Industrial services—Fully enclosed	P	P
Industrial services—Not enclosed	C	P
Manufacturing and production and fabrication and assembly—Fully enclosed	P	P
Research and development activities and laboratories—Fully enclosed	P	P
Research and development activities and laboratories—Not fully enclosed	C ⁵	P ⁵
Repair, finishing and testing—Fully enclosed	P	P
Repair, finishing and testing—Not fully enclosed	C ⁵	P ⁵
Distribution center and warehouse	P ⁶	P ⁸

Land Use	EC	IC
Waste-related	X	C/X ⁷
Helipads or heliports ¹¹	P	P
Transfer station	C	P ⁷
Wholesale activities	P ²	P ³
Institutional		
Basic utilities	P	P
Colleges	C ²	X
Institutional uses; educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers	C ²	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, library, post office, community center, etc.	C ²	X
Public and private schools (includes commercial day care, dancing and music schools)	X/C ^{2, 7}	X
Other		
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
Agriculture—Vegetative processing/recycling, log processing—Not enclosed	C	C
Buildings and structures exceeding the height limits in Table 16.25.010-2	C	C
Marijuana processing, production and wholesaling	P ^{10, 13}	P ^{10, 13}
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

Land Use	EC	IC
Any accessory use or structure, not otherwise prohibited, that the Planning Official or designee finds to be customarily accessory and incidental to a permitted use	P	P
Any use that the Planning Official or designee finds to be similar to one or more of those specified above	P/C	P/C
<p>NOTES:</p> <p>¹ Residential uses on upper floors of mixed use buildings are permitted.</p> <p>² New commercial retail uses shall not exceed sixty thousand (60,000) square feet gross leasable area on a single lot or parcel or contiguous lots or parcels. For the purposes of this limitation, parcels or lots separated by only a transportation right-of-way are considered to be contiguous. The use of any building, structure or land that was existing on or before July 17, 2012 or which was a legal use at the time of annexation may continue and may expand to add up to twenty (20) percent more floor area and ten (10) percent more land area on a site.</p> <p>³ Uses are subject to the following limitations:</p> <ul style="list-style-type: none"> a. New uses: <ul style="list-style-type: none"> 1. No single store, branch, agency or other outlet shall exceed five thousand (5,000) 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. <p>⁴ Permitted as an accessory use—Executive and administrative offices must relate to the operation of the industrial use and may not exceed forty (40) percent of the total gross floor area.</p> <p>⁵ If not fully enclosed, must be located more than two hundred (200) feet from residential districts and petroleum storage and refining.</p> <p>⁶ Permitted as an accessory use—May not exceed twenty (20) percent of the total site area.</p> <p>⁷ Use is prohibited within the Rock Creek Employment Center Subdistrict as defined in subsection (G). Specific to retail sales, prohibition is on sale of used homes, trailers, motor homes and recreational vehicles.</p> <p>⁸ Within the Rock Creek Employment Center Subdistrict as defined in subsection (F), use is permitted only as an accessory use—May not exceed twenty (20) percent of the total site area except as noted in subsection (F)(3).</p> <p>⁹ Outdoor recreation facilities without permanent buildings are allowed as a conditional use within the EC zone.</p> <p>¹⁰ Use is prohibited within the Rock Creek Employment Center Subdistrict as defined in Section 16.25.010(F).</p> <p>¹¹ Subject to applicable FAA rules and regulations.</p>		

Land Use	EC	IC
<p>¹² Pursuant to Section 16.69.030.</p> <p>¹³ Pursuant to Chapter 16.49.</p>		

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. 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

Standard	EC	IC
Residential density (maximum)	NA	NA
Lot size (minimum)	None	None ¹
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage, including all impervious surfaces (maximum)	85%	75%

Standard	EC	IC
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 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. ²	0 ft./20 ft. ²
Building setbacks (maximum):		
Front	None	None
Rear	None	None
Side	None	None
Building height (maximum)	45 ft.	45 ft.
<p>NOTES:</p> <p>¹ 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>² 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. Rock Creek Employment Center Subdistrict.

1. The boundaries of the Rock Creek Employment Center Subdistrict are shown on Figure 16.25.010-1.
2. Subarea A—Trip Limitation Requirement. The standards in this subsection apply to all development proposed within Subarea A identified on Figure 16.25.010-1.

- a. 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).
 - b. 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.
 - c. 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.
3. Subarea B—Distribution Center and Warehouses. Distribution centers and warehouses are permitted as primary uses within the area identified as Subarea B on Figure 16.25.010-1 and are exempted from the provisions of Chapter 16.65 (Master Planned Developments) provided:
- a. At least eight percent but not more than forty (40) percent of the gross floor area square footage of the distribution center or warehouse facility is executive and/or administrative offices related to the operation of the distribution center or warehouse; or,
 - b. The distribution center or warehouse is intended and designed to accommodate at least one employee per two thousand (2,000) square feet of gross floor area.

Figure 16.25.010-1 Rock Creek Employment Center Subdistrict

