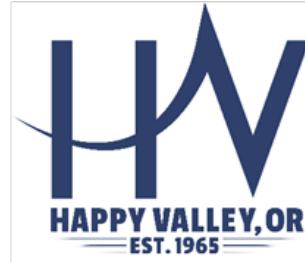


Mayor
Honorable Tom Ellis



City Manager
Jason A. Tuck, ICMA-CM

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

ARTICLE 16.4 COMMUNITY DESIGN STANDARDS

Chapter 16.40 DESIGN STANDARDS ADMINISTRATION

16.40.010 Purpose.

The purpose of this chapter is to establish general site development standards in regard to landscaping, off-street parking and loading, pedestrian access and circulation, and grading requirements.

16.40.020 Applicability.

Each chapter within the Community Design Standards contains an applicability statement for those specific standards.

Chapter 16.41 ACCESS AND CIRCULATION

16.41.010 Purpose.

The purpose of this section is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles.

16.41.020 Applicability.

This section applies to all streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to site design review.

16.41.030 Vehicular access and circulation.

A. Access to Arterial and Collector Streets.

1. Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street shall be required.
2. Accesses to arterials or collectors shall be in accordance with the City's Transportation System Plan. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

3. No development site that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (B)(1) and (B)(2) of this section. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

5. When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the Comprehensive Plan, the review body shall require reverse frontage lots, thereby precluding access to the parkway streets.

B. Driveways.

1. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.

2. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.

3. A driveway for a single-family dwelling or an accessory structure serving as a garage or home occupation shall have a minimum width of twelve (12) feet. Driveway approaches and vehicular maneuvering areas must be constructed in accordance with applicable City standards and the entire drive must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.

4. A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable City standards and the entire driveway must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.

5. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.

6. No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.

7. The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

8. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.

9. A driveway must line up with surrounding streets and meet the connectivity standards for full street connections in Section 16.50.030(B)(9)(a) if it meets one or more of the following:

- a. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;
- b. Intersects with an existing or planned arterial or collector street; or
- c. Would be an extension of an existing or planned local street, or of another major driveway.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, shall provide a continuous pedestrian and/or multi-use pathway system consistent with the City's TSP and Happy Valley Parks Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

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

B. Safe, Direct and Convenient Pathways. Pathways within all developments, except single-family detached housing (i.e., on individual lots), single-family attached housing, duplexes, triplexes, quadplexes, and cottage cluster housing, shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the "primary entrance" of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.
2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.

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

D. Connections to Transit.

1. New multi-family, retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the use of the continuous pathway system outlined in subsections A and B above. "At a major transit stop" means a

parcel or ownership that is adjacent to or includes a major transit stop, generally including portions of such parcels or ownerships that are within two hundred (200) feet of a major transit stop. “Near a major transit stop” means a parcel or ownership that is within three hundred (300) feet of a major transit stop.

2. In addition to other requirements in this section, sites that are located at a major transit stop shall provide the following:

- a. Either locate buildings within twenty (20) feet of the transit stop, a transit street or an intersection street, or provide a pedestrian plaza at the transit stop or a street intersection;
- b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;
- c. A transit passenger landing pad accessible to disabled persons;
- d. Lighting at the transit stop;
- e. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; and
- f. Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.

E. Design and Construction. Pathways shall be designed and built in accordance with City public works standards.

Chapter 16.42 LANDSCAPING, STREET TREES, FENCES AND WALLS, RECREATION AREAS

16.42.010 Purpose.

The City of Happy Valley recognizes the aesthetic and economic value of landscaping and recreation areas and encourages its use to establish a pleasant community character, unify developments, buffer or screen unsightly features, soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, street trees, buffering and screening and shared outdoor recreation areas. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City consistent with this chapter. (Ord. 468 § 1, 2014; Ord. 389 § 1(Exh. A), 2009)

16.42.020 Applicability.

This chapter shall apply to all land divisions and developments subject to site design review.

16.42.030 Landscaping standards.

A. General Requirements for Landscaping.

1. Where landscaping is required by this code, a detailed landscape design plan in accordance with Section 16.42.030(C) shall be submitted for review with development applications. No development may commence until the Planning Official or designee has determined the plans comply with the specific standards of this section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a certificate of occupancy.
2. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the joint and several right and responsibility of the property owner, tenant, and their agent, if any, unless otherwise provided by the lease agreement, or City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within four months. Landscaping shall be maintained in a condition which presents a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.
3. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees that are six inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant pursuant to Section 16.42.050. Plants to be saved and methods of protection shall be indicated on the detailed landscape plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the drip line.
4. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility.
5. Landscaped areas may include stormwater detention facilities, architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas interspersed with planted areas, and on-site natural features which are retained and improved. The exposed area developed with such features shall not exceed twenty-five (25) percent of the required landscaped area. This area may be developed into pedestrian amenities, including, but not limited to, sidewalk cafés, seating, water features and plazas, as approved by the Planning Official or designee or the Design Review Board. Artificial plants are prohibited in any required landscaped area.
6. Balconies required for entrances and exits should not be considered as landscaped areas except where such exits and entrances are for the sole use of the unit.
7. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.
8. Driveways and parking areas shall not be included as landscaped area.
9. All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, or buildings shall be landscaped.
10. Topsoil and Cover Planting.

- a. During construction, sufficient topsoil and overburden shall be stored on the property in a stabilized condition at an isolated location to restore graded or backfilled areas. Such areas shall be covered with not less than eight inches of topsoil of at least equal quality to that removed, provided that if the average depth of the topsoil prior to excavation was less than eight inches, then the depth required need not exceed such lesser average.
 - b. Upon replacement of topsoil, the developer shall provide groundcover selected by the developer adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development. Such groundcover will be identified by the developer on the site plan at the time of site plan review or preliminary approval of a partition, subdivision, PUD, or nonresidential development.
 11. Final public infrastructure inspection and authorization to submit building permits may occur prior to the landscaping requirements having been met, provided that the City has received bonding or other assurances to cover the cost of required public improvements, in accordance with Section 16.50.080.
- B. Area Required. The following minimum gross developable lot area of the greater proposed development shall be landscaped for the following uses:
1. Single-family detached, single-family attached dwellings, including duplexes, triplexes and fourplexes: twenty (20) percent. A minimum of 50 square feet of landscaping shall be located in front of the dwelling(s);
 2. Multifamily dwellings containing five or more units: twenty (20) percent;
 3. Nonresidential uses, e.g., commercial, industrial, institutional, or civic: fifteen (15) percent.
- C. Landscaping Plan Requirements.
1. The applicant shall submit a preliminary landscape design plan which includes:
 - a. Location of underground irrigation system sprinkler heads where required by the City;
 - b. Location and height of fences, buffers and screening;
 - c. Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common open areas;
 - d. Location, type, size and species of existing and proposed plant materials; and
 - e. A narrative which addresses soil conditions and erosion control measures that will be used;
 - f. Proposed location(s) and design of trash receptacles, clustered mailboxes per the provisions of the Americans with Disabilities Act and implementing federal regulations as well as the accessibility provisions of the Oregon Structural Specialty Code, newspaper boxes, and entry features or signs;
 - g. Any trees over six inches in diameter at four feet in height proposed to be removed;
 - h. The approval standards shall be the applicable standards contained in this section.
- D. Parking Lot Landscaping.

1. Except for a residential development that has landscaped yards, parking facilities shall include landscaping to cover not less than fifteen (15) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and groundcovers.
 2. Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required. Where not otherwise specified by district requirement, screening along a public right-of-way and the parking area perimeter shall include a minimum ten (10) feet depth of buffer plantings adjacent to the right-of-way and along the perimeter of the parking area except when the perimeter of the parking area is within a commercial center or part of shared parking area, where a buffer is not required.
 3. When parking in a commercial or industrial district adjoins a residential zoning district or use that is not comprised of a landscaped open space tract owned and maintained by the public or a Homeowner's Association providing for sight obscuring screening along the length of the subject site, a sight-obscuring screen that is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening. Screening options may include landscaped earthen berms, solid wood fences or masonry walls with landscaping, or a combination of landscaping and construction materials that provide sight and sound abatement at the time of building occupancy.
 4. Parking areas shall be divided into bays of not more than eight spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of seventeen (17) feet for a single depth bay and thirty-four (34) feet for a double bay. Each planter shall contain one major structural tree and groundcover. Truck parking and loading areas are exempt from this requirement.
 5. In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines.
- E. Required Tree Plantings.
1. Planting of street trees is required for all public street frontages. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement. Trees shall be planted outside the right-of-way except where there is a designated planting strip or City-adopted street tree plan. (See Section 16.42.040(B) for standards.)
 2. The City maintains a list of appropriate trees for street tree and parking lot planting situations in Table 16.42.040-1. Selection of species should be made from the City-approved list. Alternate selections may be approved by the Planning Official or designee following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and

visual relief. Street trees shall be planted at thirty (30) feet on center except where planting a tree would conflict with existing trees, retaining walls, utilities and similar barriers.

3. Trees may not be planted:

- a. Within five feet of a permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Planning Official or designee are used;
- b. Within ten (10) feet of fire hydrants and utility poles;
- c. Within five feet from a curb face when not in a planter strip or island;
- d. Where the Planning Official or designee determines the trees may be a hazard to the public interest or general welfare.

4. Trees shall be pruned to provide a minimum clearance of eight feet above sidewalks and twelve (12) feet above street and roadway surfaces.

F. Irrigation. Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life, or shall submit a xeriscaping landscape plan based on drought tolerant plantings for review and approval of the Planning Official and/or Design Review Board. Any development, redevelopment, or street improvement or installation project that results in the requirement of more than one standard residential meter ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gallons per minute) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall be required to install irrigation systems that utilize evapotranspiration (ET) based controllers if the green spaces are to be irrigated at any time during peak demand season. Subdivisions, planned unit developments (PUDs) and road projects requiring more than two standard residential meters ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gpm) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall utilize central control systems with active connection to weather stations and flow monitoring sensors. The developer or project owner will be required to pay the cost for initial set-up and programming with the contractor selected by Sunrise Water Authority to manage the irrigation control system. Sunrise Water Authority will retain responsibility for engaging the contractor to operate any and all irrigation management systems installed under this program. Annual operational costs for the management of the system shall be collected from the homeowners within the subdivision or planned unit development as a surcharge on their water bill. Industry standard charges for operation and management of ET based irrigation control systems are based upon the number of valves in the irrigation system. This charge shall be equitably distributed amongst all home sites within the subdivision or PUD or, in the case of road projects, borne by the project owner, such as the County, City or State.

G. Types and Size of Plant Material.

1. At least seventy-five (75) percent of the required landscaping area (at maturity) shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.
2. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.
3. Deciduous trees shall be species having an average mature spread of crown greater than fifteen (15) feet and having trunks, which can be maintained in a clear condition with over five feet of clear wood (without branches). Trees having a mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

4. Deciduous trees shall be balled and burlapped, and a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.
5. Coniferous trees shall be a minimum five feet in height above ground at time of planting.
6. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.
7. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.
8. Vines for screening purposes shall be a minimum of one gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. English Ivy is not permitted.
9. Vegetated groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, groundcovers shall be planted in such a manner as to provide complete coverage in two years.
10. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry. Artificial turf/lawn/grass may substitute for vegetative turf/lawn/grass as part of an approved landscape plan illustrating high-quality product that is generally natural in appearance as approved by the Planning Official or designee.

H. Revegetation in Unlandscaped or Natural Landscaped Areas.

1. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted as required by the City or by applicable conditions of approval.
2. Plant material shall be watered at intervals sufficient to assure survival and growth.
3. The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

I. Landscaping Between Public Right-of-Way and Property Lines. Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

J. Buffer Planting—Parking, Loading and Maneuvering Areas.

1. Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than to block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

2. Any use which is required to provide off-street parking for five or more vehicles shall provide buffering of the parking areas on all sides which face directly upon and are within one hundred (100) feet of any property line of the subject site. Buffering shall include, in addition to required street trees for the project as a whole, fencing, sound walls (if deemed necessary by the review authority) or plantings at the immediate perimeter of the parking area which shall be of sufficient height and density, year around, to obscure sight lines to the parked vehicles and negate the impacts of headlights.

3. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying groundcover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.

4. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.

K. Assurance Required. Landscaped areas shall provide assurance to the City for one hundred twenty-five (125) percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. Landscaped areas shall be completed as shown in the approved plans and inspected and approved by the City prior to final approval (“walk-through”), or shall be provided for by financial guarantee. The City will require a maintenance bond or other financial guarantee for the landscaped areas which will be held for two years after improvements are made to ensure plant survival. Plants that do not survive shall be replaced by the applicant during the first two years after the landscaped area is improved. The amount of the maintenance bond shall be twenty-five (25) percent of the construction cost of the landscaped areas as approved by the Planning Official or designee. The City may, at its option, require the maintenance bond to be extended should the need arise to finalize inspections or determine plant health.

16.42.040 Street trees and planter strips.

A. Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public roadways within the project area, in accordance with the standards in subsection B below. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement.

B. Standards.

1. All street trees and planter strips shall be installed or financially secured by the developer pursuant to the definition of a “planter strip” found within Section 16.12.030 (Definitions).

Private streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement.

2. Street Tree Installation Methodology. The developer and/or builder shall submit a planter strip and street tree plan as part of the construction plan set, detailing to the greatest extent practicable the placement of street trees in conformance with all spacing requirements in regard to street intersections, street lights, driveways, fire hydrants, etc. Based on this street

tree plan, the developer shall submit a street tree installation fee or liquid financial guarantee based on the methodology set forth in Section 16.50.080.

3. **Planting/Removal.** Any person desiring for any purpose to plant, remove, destroy, top or treat any tree in or upon any street right-of-way, shall first submit a tree cutting/planting application to the City describing the purpose and scope of work. All work done under such permit must be performed in strict accordance with the terms and provisions of this chapter. The Public Works Director shall base approval of such permit on the health, safety and welfare of both the affected tree(s) and community residents. If any permit required by this section is denied, the applicant may appeal in writing to the City Council within ten (10) days of denial. The council shall proceed and determine the appeal, calling upon the Public Works Director to defend his or her decision.

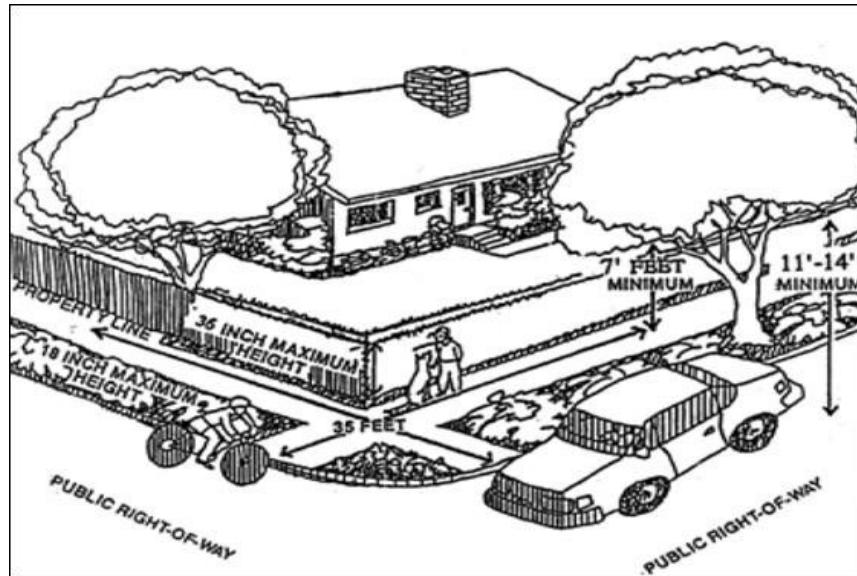
4. **Modified Existing Streets.** All proposed changes to existing public street right-of-way widths or any proposed existing street improvement shall, where feasible, include allowances for parking and median strips in accordance with the City's public facilities plan and its new street system final development standards.

5. **Clearance Design.**

- a. **Curb and Sidewalk.** Parking strip street trees shall be planted midway between curb and sidewalk in parking strips.
- b. **Center Medians.** Center median street trees shall be laterally centered in the medians and an offset placement pattern relative to parking strip street trees is required.
- c. **Utilities.** All digging, including tree planting, must be preceded by underground location of utilities, water lines, sewer lines and transmission lines conducted by the planter.
- d. **Corners, Driveways, Fire Hydrants and Street Lights.** No street trees shall be planted closer than thirty-five (35) feet from any street corner, measured back from the point of intersecting curbs or curb lines. No street tree shall be planted closer than five feet to any drive-way, ten (10) feet to any fire hydrant or utility pole. Vision clearance shall be provided pursuant to standards in Section 16.50.030(B) and consistent with Figure 16.42.040-1.
- e. **Street Tree Spacing.** Street trees in parking strips shall be placed at a maximum of thirty (30) feet on-center and located in accordance with the requirements contained in this chapter. Street trees in center medians shall be placed at a maximum of fifteen (15) feet on center. Trees planted in the center medians shall be staggered with the trees planted in the parking strips. Special plantings shall be allowed with prior approval by the City Manager.
- f. **Visual Clearance.** In order to keep visual zones clear and to protect traffic, pedestrians and bicyclists from running into low limbs, trees within or overhanging the public right-of-way and/or visual clearance zone must be trimmed to at least seven feet above the sidewalk area, eleven (11) feet above streets or alleys, and fourteen (14) feet above neighborhood collector level two and higher level roads (see Figure 16.42.040-1).
- g. **Median Trees.** Center median street trees shall be planted and maintained in a manner that eliminates conflict between vehicle traffic and trees. Pruning of median

street trees shall reflect a limb standard sufficient to ensure a fourteen (14) foot clearance above streets.

Figure 16.42.040-1 Visual Clear Zones at Intersections



6. Consistency. In order to foster distinct and harmonious neighborhoods and encourage smooth transition between different sections of the City, consistency in street tree species shall be encouraged. However, this does not equate to the implementation of a street tree plan that is homogenous in species type for local residential streets. Staff shall review and approve street tree choice based on, but not limited to, the following criteria:

- a. Type and spacing of street trees in adjacent developments/neighborhoods;
- b. Maintenance of the same species type for the entire length of all collector level streets, including center median groundcover and trees. All new street trees placed on collector level streets must be the identical specie of those street trees already existing on that same street;
- c. Assist in the establishment of distinct neighborhoods with the use of street tree type.

7. Installation Standards.

- a. Street Tree List. The species of street trees to be planted shall be chosen from the approved list of street trees in Table 16.42.040-1, or an acceptable alternative as determined by the Planning Official or designee. Planter strip groundcover shall be chosen from the approved list of groundcover in the Happy Valley Plant List (Appendix A). Copies of the Happy Valley Plant List can be obtained from the City. The street tree list is Table 16.42.040-1 in this section.
- b. Method of Planting. Planting methods for all public trees shall adhere to the National Arborist Association Revised Standards (NAA) latest edition unless determined otherwise by the City.
- c. Installation Standards.

- i. Planter Strip Street Trees. Minimum: one and three-quarters to two inches in diameter at a point four feet above existing grade at time of planting;
 - ii. Center Median Street Trees. Minimum: two to two and one-half inches in diameter at a point four feet above existing grade at time of planting.
 - d. Center Median Strips. Center median strips shall be landscaped with vegetative groundcover and/or covered with nonvegetative materials (i.e., interlocking paving stones). Automatic irrigation systems for all center median strips with street trees and/or vegetative groundcover shall be installed by the developer at the time the medians are constructed. Water lines shall be stubbed to center medians prior to the installation of the first street lift. Where possible, the water lines to the center medians shall be laid in series, continuing under the street where median breaks occur. Center median landscape and irrigation plans must be prepared by a landscape architect registered in the State of Oregon and shall be incorporated into the final landscape plan submitted to the City for approval.
 - e. Method of Support. Street trees shall be guyed or supported in an upright position according to accepted arboricultural standards (NAA) and fastened in a manner such that injury to the tree is avoided and public safety is ensured.
 - f. Permission to Plant. No person shall plant or set out any tree in a public place without first obtaining written permission from the Public Works Director. The Public Works Director shall consider the following criteria in determining whether permission should be granted: number of trees to be planted or set out; location, grade, and variety of each tree; method of planting; and any additional information the Public Works Director may reasonably need to make a fair judgment as to permission to plant.
 - g. Replacement. The City may require the replacement of a new tree by the abutting land owner, at the land owner's expense, after permission has been granted to remove an existing street tree.
 - h. Protection. No person may attach any ropes, wires, chains, or other devices to any street tree, or to the guard or stake intended for the protection of such trees, other than a device that will support and/or protect such trees. During the erection, repair, alteration or removal of any structure all street trees shall be adequately guarded and protected to prevent injury to such trees.
8. Removal. No person shall remove trees from public places without first obtaining written permission from the Public Works Director. Refer to the City's tree cutting removal regulations in regard to the removal of trees from private property.
 9. Maintenance Standards.
 - a. All street trees within planting strips and medians must be pruned and maintained to National Arborist Association (NAA) standards for shade trees. A copy of the NAA standards is available at the City offices.
 - b. Care and maintenance of street trees is the continuing duty and routine obligation of the property owner(s) abutting dedicated rights-of-way and utility easements that contain street trees. It is the duty of the owner(s) to keep the sidewalks which abut their property clean from branches, leaves, flowers, fruit or other organic material fallen on such sidewalks.

- c. No person shall prevent, delay or interfere with the City or any agent acting on the City's behalf, while such agents are engaged in the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or private trees as authorized by this chapter.
- d. Trees on private grounds having limbs projecting into the street right-of-way shall be pruned by the owners of the property to satisfy the clearance requirements set forth in this chapter. Whenever the owner(s) of private grounds neglect to adequately prune such trees, they may be declared a nuisance. Upon declaring a tree a public nuisance, the Public Works Director may order the pruning and/or treatment of such tree(s). All costs associated with the maintenance of nuisance trees as established in this chapter shall be borne by the owner of that property upon which such trees are located.
- e. Whenever the owner(s) of private grounds neglect any street tree in the public right-of-way that fronts their property as provided in this chapter, such tree(s) may be declared a nuisance. Upon declaring a street tree a public nuisance, the Public Works Director may order the treatment of such tree(s). All costs associated with the maintenance of nuisance street trees shall be borne by the owner of that property which such trees front.
- f. A private utility maintaining its utility system may prune to NAA standards any tree located in the public right-of-way which interferes with any street light, pole, wire, cable, appliance or apparatus used in connection with, or as a part of, the utility system.
- g. Topping of street trees and park trees is prohibited unless so ordered by the Public Works Director. Topping is defined as the severe cutting back of limbs larger than three inches in diameter to stubs within the tree's crown to such a degree that the normal canopy is removed and the tree is disfigured. Trees severely damaged by storms or where permanent obstructions make standard pruning practices impractical, may be exempted from this section at the discretion of the Public Works Director. The person(s) responsible for violations of this provision shall be subject to fines and penalties as established in Section 16.42.050(H) of this title.
- h. In new partitions, subdivisions and planned unit developments, and any individual uses within any district, the developer shall be responsible for the care, maintenance and irrigation costs of all trees and landscaping within the public right-of-ways for a two-year period after the installation and acceptance of the street trees. A final inspection to determine street tree health and long term survivability shall be conducted at the end of the two-year maintenance period. The final street tree inspection shall be conducted by an arborist registered in the State of Oregon with all associated costs borne by the developer. The arborist's report shall be submitted to the City for approval, and subsequent replanting of any noted landscape materials shall occur, prior to the City's final acceptance of public improvements or release of the pertinent maintenance bond.

Table 16.42.040-1 Happy Valley Approved Street Tree List

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Pow erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ai n age Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
<i>Acer buergerianum</i>	Trident Maple	4	Y	25	25	R	Y	Y	N	M	N	N	Y		Attractive small tree. Bronze new leaves, turn dark green, then yellow, orange, and red in fall. 1" samar a. Wood can be brittle in snow and ice. Low branching may require pruning to train trees for several years after transplanting. Usually multi-trunked but can be found as single trunk.
<i>Acer campestre</i>	Hedge Maple	4	M	35	35	R	N	Y	N	L	N	N	N		Very tough, tolerant tree, but does not offer much in terms of flower or fall color.

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<i>Acer ginnala</i>	Amur Maple	4	Y	20	20	R	Y	Y	N	L	N	Y	Y	Y	Shrubby, but has lovely glossy leaves and bright scarlet fall color.
<i>Acer griseum</i>	Paperbark Maple	4	M	30	15	O	Y	Y	N	L	N	N	Y	Y	Striking bark, leaves are incised, so they look pinnate. Glossy. Bright red fall color. Slow grower. Few samaras.
<i>Acer rubrum</i>	Red Maple	6	N	70	65	O	Y	Y	N	L	N	N	Y	Red maples are prone to tight branch angles and can be hard on infrastructure due to surface rooting tendency. PLEASE do not plant under power lines. Lovely	

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																crimson red fall color, red flowers in spring, Susceptible to Verticillium; sunscald can be a problem. Vigorous where room allows.
<i>Acer rubrum 'var'</i>	'October Glory' Red Maple	6	N	55	45	R	Y	Y	N	L	N	N	Y			Species info applies. This cultivar holds its leaves longer than others. Color may turn brown suddenly after frost. Less cold hardy than other cultivars, better adapted to warmer zones. Wood tends to be brittle in snow/ice. May

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Stri p erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ain age Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
														have delayed graft incompatibility.
<i>Acer saccharum 'var'</i>	'Green Mount ain' Sugar Maple	6	N	70	55	O	N	N	N	L	N	N	Y	Uniform and more vigorous growth than species with upright habit. Good summer-fall foliage color, resists leaf scorch. Sensitiv e to salt, compact ion, heat, drought and suscepti ble to Verticillium.
<i>Acer truncatum x 'var.'</i>	'Pacific Sunset', Maple	6	M	30	25	R	Y	Y	N	L	N	N	Y	Aka 'Warren red'; rounded upright spreading, very glossy green foliage, finer branched, brighter

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															yellow-orange to red fall color, turns color earlier than 'Norwegian Sunset.' (This tree is a cross of A. truncatum x A. platanoides 'Warren sred')
<i>Acer truncatum</i> x 'var.'	'Norwegian Sunset', Maple	5	M	35	25	O	Y	Y	N	L	N	N	Y		Good uniform branching structure, with glossy dark green foliage, yellow-orange to red fall color, more heat and drought tolerant than Norway, and even Pacific Sunset. Also called

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															Keithsfo rm.
<i>Aesculus x carnea</i> 'var.'	'Briott i' Red Horsechestnut	6	N	50	45	O	N	Y	N	L	N	Y	N	N	Nearly fruitless.
<i>Carpinus betulus</i>	European Hornbeam	6	N	60	40	O	Y	Y	N	L	N	N	N	N	Great, tolerant, tough urban tree. Not much fall color or spring flowers
<i>Carpinus betulus</i> 'Fastigiate'	European Hornbeam	6	N	40	30	P	Y	Y	N	L	N	N	N	N	More narrow version of the European Hornbeam; tough, reliable, but not showy
<i>Carpinus caroliniana</i>	American Hornbeam	6	M	35	35	O	Y	N	N	L	N	N	N	N	Native to the East Coast, but still a strong hardy tree with more open branching than the European form.

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<i>Celtis occidentalis</i> 'var.'	'Chicagoland', Hackberry	6	N	50	50	P	Y	Y	N	L	N	N	N	N	Exceptionally tough; easy on infrastructure; may have trouble with psyllids; late to leaf out; recovers slowly from transplant.
<i>Celtis occidentalis</i> 'var.'	'Prairie Pride' Hackberry	6	N	50	50	R	Y	Y	N	L	N	N	N	N	Exceptionally tough; easy on infrastructure; may have trouble with psyllids; late to leaf out; recovers slowly from transplant.
<i>Cercidiphyllum japonicum</i>	Katsuratree	6	N	45	60	R	Y	Y	N	L	N	N	Y		Heart shaped, frilly leaves. Needs good watering for establishment or will dry up quickly.

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<i>Cercis canadensis</i>	Easter n Redbu d	4	M	30	35	R	Y	Y	N	L	N	Y	N		Magenta flowers before leaves in April/May. Heart-shaped leaves, red when emerging turning to green; yellow in fall. Susceptible to Verticillium.
<i>Cercis canadensis 'var'</i>	'Forest Pansy' redbud	4	Y	25	25	R	N	N	N	M	N	Y	N		Purple leaves, gorgeous magenta flowers before leaves in spring.
<i>Cercis reniformis 'var'</i>	Texas Redbu d 'Oklah oma'	4	Y	18	20	R	Y	Y	N	M	N	Y	N		Far better foliage and excellent substitute for Eastern Redbud; white flowers; tolerates drought better than species.

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<i>Chionanthus virginicus</i>	Fringe Tree	4	M	20	15	R	Y	Y	N	L	N	Y	N		Slow growing, bright white fragrant flowers in Spring. Moderate drought tolerance. Purple fruit attracts birds; not a significant litter problem; persistent. Stress may catalyze problems with scale, mites, leaf spots, powdery mildew, stem cankers. Best growth is with afternoon sun.
<i>Cladrastis lutea</i>	Yellowwood	4	N	50	55	R	N	Y	N	M	N	Y	N		Can be a vigorous grower. Drooping pannicles of white flowers in spring.

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<i>Clerodendrum trichotomum</i>	Glorybower Tree	4	Y	20	20	R	N	N	N	M	N	Y	N	Lovely, tough, small tree with white flowers in LATE summer, followed by interesting purple fruit with magenta sepals. Late to leaf out. Heart shaped leaves that smell like peanut butter when rubbed. Can sucker, but is quite disease resistant.
<i>Cornus kousa</i>	Korean Dogwood	4	M	30	30	R	N	N	N	M	N	Y	Y	Great pagoda-like form; resists anthracnose; blooms later than <i>C. florida</i> ; bracts are pointy and look

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															like stars.
<i>Crataegus laevigata</i> 'var.'	'Crims on Cloud' Hawthorne	4	Y	20	18	O	Y	Y	N	H	Y	Y	N	Grows well in city conditions, almost thornless. Resists leaf blight. Susceptible to aphids, lacebug, fireblight and rust. Growth is vigorous and upright. Staking may be need when trees are small and in exposed locations.	
<i>Crataegus phaeonopyrum</i>	Washington Hawthorn	4	M	30	25	O	Y	Y	N	H	Y	Y	Y	Tolerates severe urban stresses, but it does have slender 1"-3" thorns, on dense horizontal branches. Heavy	

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															snow may cause breaking of branches . Pruning this tree can be a challenge. ‘Princeton Sentry’ cultivar is almost thornless, upright branching, and pest free. ‘Manbeck Select’ has improved tree form.
<i>Fraxinus americana</i> ‘var.’	‘Autumn Apple’ White Ash	7	N	60	50	O	Y	N	N	L	N	N	Y		Improved growth habit, fall color, seedlessness. Deep red fall color.
<i>Fraxinus americana</i> ‘var.’	‘Champagne Count’ White Ash	7	N	60	50	O	Y	N	N	L	N	N	Y		Improved in vigor, branching habit, foliage, fall color and seedlessness.

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																Later fall color than other white ash; has shiny dark leaves, yellow-purple in fall.
<i>Fraxinus americana 'var.'</i>	'Autumn Purple', White Ash	7	N	60	55	O	Y	N	N	L	N	N	Y		Improved vigor, form, and fall color - orange-maroon to dark burgundy in fall.	
<i>Fraxinus americana 'var.'</i>	'Rosehill' White Ash	7	N	65	45	P	Y	N	N	L	N	N	Y		Uniform branch attachment, narrow form with open crown, good fall color, seedlessness. Bronze-red fall color.	
<i>Fraxinus oxycarpa 'var.'</i>	'Raywood' Ash	7	N	50	50	R	Y	Y	N	L	N	N	Y		Pinnately compound leaf with thin leaflets; some structural problems; brittle	

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															wood can break in storms, brilliant burgundy fall color, can heave sidewalks if not given enough space.
<i>Fraxinus oxycarpa</i> 'var.'	'Golden Desert' Ash	4	Y	20	20	R	Y	Y	N	L	N	N	Y	Closely related to 'angustifolia' ashes - narrow, pinnately compound leaves, and may be listed differently in the trade. Deciduous tree, 30 ft (9 m) tall and somewhat less of a spread, compact, rounded head. Foliage is reportedly yellowish in spring,	

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														green-yellow in summer, and yellow-gold in fall.
<i>Fraxinus pennsylvanica</i> 'var.'	'Urbanite' Green Ash	7	N	60	45	P	Y	Y	N	M	N	N	Y	Full crowned tree with pleasing growth habit; parent tree has remained vigorous under city conditions and limited root space. Prune carefully to remove weak branch angles. Deep bronzed in fall.
<i>Fraxinus pennsylvanica</i> 'var.'	'Summit' Green Ash	7	N	60	55	R	Y	Y	N	M	N	N	N	Improved trunk, branching, and vigor. Thicker bark makes it resistant to mechanical injury.

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														Abundant seeds. Golden yellow early fall color.
<i>Fraxinus pennsylvanica</i> 'var.'	'Marsh all Seedle ss' Green Ash	7	N	55	45	O	Y	Y	N	M	N	N	N	Partially seedless; improved form, leaves, vigor. Glossy dark green leaves, yellow fall color.
<i>Ginkgo biloba</i> 'var.'	'Prince ton Sentry' Ginkgo	7	N	65	30	P	Y	Y	N	L	N	N	N	Male clone; narrowly conical. Transplants readily. Early pruning improves branching.
<i>Ginkgo biloba</i> 'var.'	'Autumn Gold' Ginkgo	7	N	50	30	P	Y	Y	N	L	N	N	N	Male clone; symmetrical conical form when young becoming broadly spreading with age.
<i>Ginkgo biloba</i> 'var.'	'Lakeview'	7	N	55	35	P	Y	Y	N	L	N	N	N	Male clone; this tree

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	Ginkgo														was developed for smaller sites (though it still gets pretty large)
<i>Halesia carolina</i>	Carolina Silverbell	6	N	60	35	O	Y	N	N	L	N	Y	N		Lovely bell shaped flowers in spring, followed by interesting 4-pointed fruit.
<i>Maackia amurensis</i>	Amur Maackia	5	M	35	30	V	N	Y	N	M	N	Y	N		Lovely tree that could be planted more often. Tends to spread widely and lower branches will droop into street or walkway unless pruned for structure early on. Usually found in multi-stem forms. Intolerant

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															- transplant B&B in spring; gorgeous fall color, glossy leaves; female trees may eventually produce small dark berries.
<i>Ostrya virginiana</i>	American Hop Hornbeam	6	N	40	25	P	N	Y	N	L	N	N	N	Hornbeam has a lovely yellow fall color, and the small nutlets, which ripen in summer and fall, are used by birds and mammals during the winter. Bark is an attractive orange or grayish brown peeling off in longitudinal strips. A	

Botanical Name	Common Name	Parкинг Стрип Минимум Width (ft.)	Powerline Co mpatible	Mатур е H eigh t (ft .)	Mатур е S prea d (ft .)	Mатур е S hape	Po or Dr ain age	Dr oug ht To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
														rugged tree; tolerant of urban conditions and relatively care-free.
<i>Parrotia persica</i>	Persian Parrotia	4	N	40	30	R	N	Y	N	L	N	Y	Y	Flaky, mature bark is interesting. This tree is related to witchazel and the leaves look similar. This hardy tree turns red, orange, yellow and purple all on the same tree in the fall.
<i>Prunus cerasifera 'var.'</i>	'Newport' Flowering Plum	4	Y	20	20	R	Y	Y	N	H	Y	Y	N	Probably the hardestiest of purple-leaved plums. New growth is light-bronze; pale pink flowers early

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														spring, 1" diameter fruits. Usual Prunus pest and disease problems; tends to have useful life in cities of about 20 years.
<i>Prunus sargentii</i>	Sargent Cherry	4	M	30	30	R	Y	Y	N	L	N	Y	Y	Deep rose-colored blooms in early; bark is polished mahogany. Hardest of Japanese cherries. Tends to be short lived (only 20 years!). 'Columnaris' cultivar is recommended for narrow spaces. Typical cherry disease issues.

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<i>Prunus serrulata</i> 'Kwan zan' Flowering Cherry	6	M	35	25	R	Y	Y	N	M	N	Y	Y	Y	aka 'Sekiya ma'; branches upright into vase-shape; large double rosy pink pendulous midseas on blossoms. See species info. CAUTION: Overplanted.	
<i>Prunus x yedoensis</i> 'Yoshino' Flowering Cherry	6	N	50	50	R	Y	Y	N	M	N	Y	Y	N	Horizontal open branches ; Early single light pink to nearly white. This kind planted in Wash, DC tidal basin. Needs good drainage , consistent water.	
<i>Pyrus callery</i> 'Aristocrat'	5	N	45	40	P	Y	Y	N	M	N	Y	Y	Y	Early, single white flowers with	

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Stri p erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ai n age Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
<i>ana</i> 'var.'	Callery Pear													glossy green leaves. Yellow- red fall color. VERY suscepti ble to firebligh t.
<i>Pyrus callery ana</i> 'var.'	'Chant icleer' Callery Pear	5	N	40	20	P	Y	Y	N	L	N	Y	Y	aka 'Clevela nd Select'; Narrow tree; early, single white flowers with glossy green leaves. Orange- reddish purple fall color. Fireblig ht resistant.
<i>Quercu s robur</i> 'var.'	'Skym aster' Englis h Oak	6	N	50	25	P	N	Y	N	L	N	N	N	Uniform shape and strong upright branchin g makes it look better than the species.
<i>Styrax japonic us</i>	Japanes e	4	M	30	30	R	Y	N	N	M	N	Y	N	Bell- shaped white flowers in May; delicate

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Pow erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ai n age Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
	Snowbell														appearance.
<i>Syringa reticulata</i>	Japanese Tree Lilac	4	M	30	25	R	N	Y	N	L	N	Y	N		Blooms on new growth late in the lilac season. Smooth glossy red-brown bark.
<i>Syringa reticulata 'var'</i>	Ivory Silk' Japanese Tree Lilac	4	M	30	20	O	N	Y	N	L	N	Y	N		Large clusters of creamy white lilac flowers in summer. Can be multi-stemmed or single stemmed. Persistent fruits, but not much of litter problem. Borers can cause wilting problems with drought-stressed trees. Plant in full sun to avoid powdery mildew.

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Pow erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ai n ag e Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
<i>Tilla cordata</i> 'var.'	'Glenl even' Littlele af Linden	6	N	70	50	P	Y	M	N	M	N	Y	N		May be a cross with <i>T. americana</i> ; improved form and branching, straight trunk, larger leaves than species trees, flowers attract bees.
<i>Tilla cordata</i> 'var.'	'Green spire' Littlele af Linden	6	N	70	50	P	Y	M	N	M	N	Y	N		Rapid growth, improved form, smaller leaves, greater tolerance of urban conditions.
<i>Ulmus 'Pioneer r'</i>	Pioneer Elm	7	N	50	50	O	Y	Y	N	L	N	N	N		Resists DED and elm yellows. Susceptible to elm leaf beetle. Vigorous and highly tolerant of urban conditions.

Botanical Name	Common Name	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Par kin g Stri p Mi ni mu m Wi dth (ft.)	Pow erlin e Co mpa tible	M at ur e H ei gh t (ft .)	M at ur e S pr ea d (ft .)	M at ur e S ha pe	Po or Dr ai n age Tol era nt	Dr ou gh t To ler an t	P N W N at iv e	Main tena nce Need s	Pro hibi ted as a Stre et Tre e?	Cons picu ous Flow ers	Cons picu ous Fall Colo r	Comments
Zelkova serrata 'var.'	'Halka', Japanese Zelkova	6	N	50	30	O	Y	Y	N	M	N	N	Y		Good tolerance to urban and seacoast conditions, grows rapidly, resembles American elm more than other cultivars.
Zelkova serrata 'var.'	'Green Vase' Japanese Zelkova	6	N	70	55	O	Y	Y	N	M	N	N	Y		Leaves turn bronzed in fall. Very hardy tree. Branches out higher than 'Village Green' for easy clearance.
Zelkova serrata 'var.'	'Village Green' Japanese Zelkova	6	N	60	60	R	Y	Y	N	M	N	N	Y		The crown form is broader than 'Green Vase'. Otherwise, similar to other zelkova cultivars.

Legend

H – High, L – Low, M – Medium,
N – No, Y – Yes
O – Oval, P – Pyramidal, R – Round

(Ord. 539 § 1, 2018; Ord. 521 § 3, 2017; Ord. 389 § 1(Exh. A), 2009)

16.42.050 Tree cutting and preservation.

- A. Purpose. The purpose of this section is to regulate the removal and preservation of trees and to protect trees as a natural resource of the City. It is the intent of this section to allow the prudent management of trees by individual property owners and developers where such management is in keeping with the purposes of this section.
- B. Tree Removal Permits Applicability.
 1. No person shall remove a tree that is six inches or more in diameter at four and one-half feet above ground level, without first obtaining a tree removal permit from the City. Permits shall be either a Type A permit or a Type B permit.
 2. All tree removal permit fees shall be determined by resolution of the City Council.
 3. The City may impose additional conditions in writing upon approval of a Type A or B tree removal application such as the time and nature of the removal, mitigation measures, erosion control or other reasonable conditions.
 4. Tree removal fees (per tree) for trees determined to be located within the development envelope and associated tree impact zone around development not associated with subdivision construction, planned unit development (PUD) construction, land partition construction or nonresidential construction, and for hazard trees (dangerous, diseased or dying) shall be waived. This waiver shall not include the filing fee.
 5. Trees that exist within an existing lot of record, parcel or lot that are not part of preliminary subdivision or PUD may be removed for the creation or preservation of view corridors in the City. Applications to remove trees for the creation or preservation of view corridors shall be made upon forms prescribed by the City. Application type shall be dependent upon whether the applicant meets Type A or Type B permit criteria.
 6. Tree removal from forested lands outside of commercially viable tree farms pursuant to the definition of “tree farm” preceding building construction or land development activities is prohibited. Tree farms and fruit or nut orchards that can demonstrate current commercial growing and harvesting operations shall be excluded from the provisions of this title, except where the removal of trees would create a significant increase in erosion as determined by the City Engineer, in which case a Type A or Type B permit shall be required.
- C. Type A Permits.
 1. Type A permits are required if all of the following criteria are met:
 - a. The applicant proposes to remove a maximum of three trees;
 - b. The property does not contain areas subject to Chapter 16.32 or Chapter 16.34 of the LDC; and

- c. The property does not contain trees protected as a condition of approval of development pursuant to the LDC.
2. An application for a Type A tree removal permit shall be made upon forms prescribed by the City. Upon submittal of the required application a representative of the City may make a site visit prior to issuance of the permit to verify the information contained in the application. The application for a permit shall contain at a minimum:
 - a. The number, size, species and location of trees to be cut;
 - b. The time and method of cutting or removal;
 - c. A site plan or sketch depicting where each individual tree sought to be removed and each replacement tree, if any, is located;
 - d. A statement of the reason for cutting or removal;
 - e. Information concerning any proposed mitigation or landscaping measures to be taken to replace the tree(s) that is (are) to be removed;
 - f. Any erosion control measures that are to be implemented;
 - g. Any other relevant information that may be required by the City.
3. The following procedure shall be followed for Type A permits:
 - a. By submission of an application, the applicant shall be deemed to have authorized City representatives access to the property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit have been followed;
 - b. Upon application for a tree removal permit, the applicant shall clearly mark all trees requested for removal. Trees may be marked by colored tape, paper or any other clearly identifiable marking. A representative of the City may then make a site visit to examine the trees requested for removal;
 - c. Within seven working days, the City shall notify an applicant if the application is deemed complete or not complete. Within ten (10) working days of the submission of a complete or completed Type A application, the City shall grant or deny the application.
4. Type A permits shall be evaluated based upon the following criteria:
 - a. It is the intent of this section to allow the prudent management of trees where such management is in keeping with the purposes of this section. Type A permits shall be granted upon a showing that tree removal is consistent with prudent management of trees, does not constitute a hazard to property or other necessary uses and does not negatively affect scenic, ecological, wildlife or similar values.
5. No property for which a Type A permit has been granted may be the subject of an application for a subsequent Type A permit for a period of twelve (12) months; provided, however, that this limitation may be waived by the City upon a showing of extreme hardship or exigent circumstances. All removal work commenced after the issuance of a tree removal permit, including, but not limited to, the removal and disposal of trees and debris permitted to be removed, shall be completed within ninety (90) days after the issuance of a tree removal permit. If tree removal work has not been completed within ninety (90) days, a new permit must be applied for.

6. An applicant for a Type A permit is responsible for obtaining all necessary State and Federal permits that may, in addition to City approvals, be required for a tree removal proposal. This includes abiding by State and Federal wildlife protection laws.

D. Type B Permits.

1. Type B permits are required for all circumstances where the criteria for a Type A permit are not met.
2. Type B permit applications shall contain all information required for a Type A application as provided in subsection C above. In addition, a Type B application shall include:

a. A tree survey prepared by a certified arborist, or other qualified landscape specialist as approved by the City, which describes size, species, health and condition of trees, and a map at a minimum scale of one inch equals one hundred (100) feet, that locates trees on the property. An arborist-prepared survey is not required for trees determined to be located within the development envelope and associated tree impact zone around the development area not associated with subdivision construction, planned unit development (PUD) construction, land partition construction or nonresidential construction, or if the Planning Official or designee can easily determine that the tree(s) in question are dead or dying. Drainageways, wetlands and surface water features shall also be identified on the map, unless waived by the Planning Official or designee;

b. A Tree Removal Plan. The plan shall identify each tree to be removed, describe protective fencing or markings around other trees or spaces to protect surrounding vegetation, and shall map proposed mitigation and erosion control measures. In addition, the plan shall designate grade changes, if any, proposed for the property. Individual trees that are to be removed during construction of a development shall be clearly identified on the tree removal plan, and must receive approval from the City. The plan shall illustrate typical building envelopes as allowed by the required yard setbacks of the underlying development district or actual building envelopes at the discretion of the Planning Official or designee, particularly for multifamily, institutional, commercial or industrial developments; easements; or any other structural development constraints, and shall be based on the final grading plan. All trees proposed for removal must exist within grading areas for public rights-of-way and public infrastructure and utility areas, pursuant to Section 15.12.050 of the Happy Valley Municipal Code, including stormwater detention facilities pursuant to Section 16.50.060 of this Code; and, within the potential or actual building envelope. At the discretion of the Planning Official, tree removal from individual lots may also be proposed for removal or may be subject to a separate Type A or Type B permit as described in subsection B. Removal of trees outside of the areas approved as part of the original subdivision, PUD, partition or nonresidential tree removal plan shall be permitted only upon demonstration by a certified arborist that retention of trees within these areas represents a significant hazard to public health, safety and welfare (including potential damage to structures), or maintains a "view corridor." Review and approval of said arborist report shall be the responsibility of the Planning Official and City Engineer (or designees). The Planning Official or designee shall determine the tree mitigation ratio for all tree removal as detailed within subsection D of this section, with a maximum ratio of three trees to one removed.

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

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

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

c. The review body shall determine the tree mitigation ratio for all tree removal as detailed within subsection D (except for partitions), with a maximum ratio of three trees to one removed. The Planning Official or designee shall determine the tree mitigation ratio for all tree removal in conjunction with a partition application, as detailed within subsection D, with a maximum ratio of three trees to one removed. Mitigation requirements shall not apply to trees removed that are identified by a certified arborist as dead or dying. An arborist report is not required if the Planning Official or designee can easily determine that the tree(s) in question are dead or dying. For Type B permits, the City may require that replacement trees have shade or erosion control potential or other characteristics comparable to or greater than the removed trees. Replacement trees shall be appropriately chosen for the site from an approved tree species list supplied by the City (see Appendix A), or as approved by a representative of the City, and shall be nursery Grade No. 1 or better. All replacement trees shall be at least one and one-quarter to one and one-half inches (bag and burlap) in diameter at breast height (dbh), as measured by caliper method for non-wetland, non-riparian corridor mitigation area, or

non-slope re-vegetation sites. Within wetland, or riparian corridor mitigation sites, trees may be bare-root or greater. The preparation of lands for tree planting (e.g., removal and control of non-native species via a submitted management plan) may count for up to two-thirds of the required mitigation ratio. Within slope re-vegetation areas identified in a Native Vegetation Report prepared pursuant to Section 16.32.070(B)(2)(c), native trees and/or shrubs proposed consistent with the recommendations contained in said report may satisfy the required mitigation ratio. The City may review and modify tree replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. Where it is not feasible or desirable to relocate or replace trees on site, relocation or replacement may be made at an approved alternate public or private property in the City, or the property owner, builder or developer may make financial contribution to the City's "Tree Bank" equal to two hundred fifty dollars (\$250.00) per tree, for the actual number of trees removed. If weather/irrigation conditions do not support planting of the mitigation trees, the builder or developer may secure the mitigated number of trees with a City-approved financial security (bonds, irrevocable letters of credit, bank set-asides, cash, etc.).

3. The following procedure shall be followed for Type B permits:
 - a. By submission of an application, the applicant shall be deemed to have authorized City representatives access to the property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit have been followed. All trees are to be clearly marked by the applicant for inspection by a City representative, prior to removal;
 - b. No property for which a Type B permit has been granted may be the subject of an application for a subsequent Type B permit for a period of twelve (12) months; provided, however, that this limitation may be waived by the City upon a showing of extreme hardship or exigent circumstances. If tree removal work has not been completed within ninety (90) days, a new permit must be applied for. By submittal of a written request, the Planning Official may extend this period up to two additional ninety (90) day periods.
4. Type B permits shall be evaluated based upon the following criteria:
 - a. It is the intent of this section to allow the prudent management of trees where such management is in keeping with the purposes of this section. Type B permits shall be granted upon a showing that tree removal is either:
 - i. Necessary for the construction of a building, addition, structure or other approved site improvement, and there is no feasible or reasonable alternative option for such improvement which would not require removal of trees; or
 - ii. Necessary to remove a tree or trees that is/are diseased, damaged or in danger of falling, or which present(s) a hazard to people or adjacent property; or
 - iii. Necessary to provide safe and adequate access to utility service, utility drainage or right-of-way.
5. An applicant for a Type B permit is responsible for obtaining all necessary State and Federal permits that may, in addition to City approvals, be required for a tree removal proposal. This includes abiding by State and Federal wildlife protection laws.

E. Tree Removal from Open Spaces and Areas Adjacent to Drainageways.

1. At no time shall trees be removed from open spaces in a development, except under circumstances of danger, or threat to life and property as determined by a representative of the City.

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

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

G. Mitigation of Tree Removal within Annexation Areas. Previously unincorporated areas within Clackamas County that have annexed within the City of Happy Valley and have caused significant removal (greater than fifty (50) percent) of the “forest canopy” that are not part of a “tree farm” pursuant to City definitions, shall be evaluated at the time of land division or site design review application for past tree removal. For discernible mass tree removal by remaining stumps, logging permit records, survey data or any other means authorized by the Planning Official that has occurred within a previous five-year period from submittal of a complete land use application, tree mitigation at a ratio of 2:1 shall be required. If on or off-site tree mitigation efforts are not accomplished pursuant to the auspices of this chapter, the applicant may make payment to the City’s Tree Bank in lieu of tree planting mitigation.

H. Topping, Thinning and Pruning of Trees.

1. Trees severely damaged by storms or other uncontrollable natural causes, trees under utility wires or other obstructions making normal pruning practices impractical, trees that are being made into “habitat trees” that are outside of a fall area that could damage persons or property and trees that have been continually topped and trimmed over time to be maintained

as a visual screen or to perform a similar function may be topped without a tree removal permit. All other tree topping is prohibited.

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

I. Violation and Penalties.

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

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

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

4. Each day's violation of any provision of this section constitutes a separate offense. Each individual tree removed in violation of the requirements of this section shall be a separate offense hereunder. Failure to comply with a condition of approval shall be a separate infraction each day the failure to comply continues. Each offense or infraction is subject to a civil penalty as prescribed in Section 16.13.020 of this title.

5. A person who removes a tree subject to this section without first obtaining a valid tree removal permit may obtain a retroactive permit by demonstrating that the removal complied with the applicable criteria for obtaining a tree removal permit. No person may obtain more than one retroactive permit. In addition, the applicant may be subject to additional mitigation requirements as determined by the City.

6. Upon request of the City Manager or at the direction of the City Council, the City Attorney may institute appropriate legal action to enjoin the removal of trees in violation of this section, or to otherwise enforce the provisions of this section.

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

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

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

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

11. The owner of the property upon which tree removal takes place is subject to enforcement and penalties pursuant to this section regardless of whether such owner personally conducts activities in violation of this section.

16.42.060 Fencing, walls and screening.

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

Table 16.42.060-1 Arterial and Collector Street Frontage Screening

Project Character	Development Standard
Arterial or collector frontage—double front loaded (garage and front door facing interior street)	Option 1: Masonry or brick walls treated with anti-graffiti sealant. Option 2: Solid wood uniformly stained (any variety of the color brown) fence with masonry or brick columns (maximum spacing of 24 feet between columns) with cap board and treated with anti-graffiti sealant. Option 3: Solid earthen berms no greater than 25 percent in slope, with stabilizing landscaping on all areas of the slopes, and subject to the landscape plan design and construction standards of this title.
	All fences, walls or berms shall be six feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If a fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.
Arterial or collector frontage—rear loaded (front door facing	Option 1: Masonry or brick walls treated with anti-graffiti sealant. Option 2: Decorative metal fence with masonry or brick columns.

Project Character	Development Standard
arterial or collector, garage facing interior street)	<p>Option 3: Solid wood uniformly stained (any variety of the color brown) fence with masonry or brick columns (maximum spacing of 24 feet between columns) with cap board and treated with anti-graffiti sealant.</p> <p>All fences shall be at least four feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If the fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.</p>

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

1. The intended use for the area;
2. Surrounding uses and existing fence, wall or berm sections, their design, materials and appearance;
3. The impact of the intended use upon surrounding uses and vice versa;
4. The need for fencing or screening to reduce the amount of use conflicts, noise, wind, dust, vision and other forms of pollution and conflicts;
5. The need and desirability for the replacement of trees removed from the site as a result of the proposed development;
6. The relationship and appearance between alley-loaded or rear facing lots on an arterial or collector facility in conjunction with primary and accessory structure rear yard setbacks; and
7. The placement of utility vaults, transformers and similar facilities shall be accommodated by the fence/columns by providing adequate clear space and access to the facility per the specifications of the utility company. As necessary, the fence/columns will provide retaining walls, variation of the fence/column location into the PUD, gates and signage and all other accommodations necessary to achieve the aesthetic objectives of the continuous fence/columns, while providing for all utility facilities, and access thereof, necessary to serve any given project or development.

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

1. Side and Rear Setback Areas. In any residential district, a “stand-alone” fence or decorative wall not to exceed six feet in height may be located or maintained within the required interior side or rear yards. For exterior side yards within corner lots, a maximum six-

foot tall fence or decorative wall may exist within the exterior side yard to the point of the front building line, or the presence of any sight visibility area and/or easement, whichever occurs first. However, a fence which is structurally engineered by determination of the Building Official and receives a building permit may be constructed to a maximum height of eight feet. Grading and design requirements for fencing, walls or screening are subject to applicable provisions of Section 16.50.100 of this title.

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

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

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

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

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

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

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

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

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

D. For any development of a structure, yard or any facility requiring the utilization of retaining walls, retaining walls over four feet in height require the approval of an engineering permit,

including provisions for stormwater management in scenarios that: involve retaining walls crossing property lines, that are built with subdivisions, affect a public roadway and for those on multifamily, commercial, industrial and institutional sites. For all other scenarios utilizing retaining walls over four feet in height, a building permit is required. Within any zoning district, on property immediately abutting existing residences or residential districts, the maximum single-face retaining wall height within an individual existing lot of record, parcel or lot (as created after any retaining walls necessary for public or private infrastructure such as streets, drive-aisles, parking lots, stormwater detention facilities, etc.) shall have a maximum height of eight feet, as measured from the downslope face of the retaining wall. Retaining walls may be terraced up the slopes of existing lots of record, parcels or lots, but shall have a minimum distance between walls of the height of the downslope retaining wall, as measured from the upslope side of the lower retaining wall to the downslope side of the upper retaining wall. All retaining walls abutting other single-family residences or zoning districts shall provide solid vegetative screening along the entire linear face of the lowest retaining wall. Fences or decorative walls may exist atop retaining walls, and are measured in height independent of the retaining wall. Said facilities may exist to the maximum height allowed in the front, interior side, exterior side (corner lot) or rear setback area.

E. Pools. For the purpose of safety, any property which contains any size in-ground swimming pool or an above-ground swimming pool any part of which is less than forty-eight (48) inches in height above grade shall be fenced with an artificial fence of continuous construction of not less than four feet in height. Additionally, the gate entrances to the pool area should be lockable.

F. Screening of Service Facilities. Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas such as trash and recycling areas, gas meters, ground level air-conditioning units, disc antennas exceeding thirty-six (36) inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.

G. Outdoor Storage. All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Planning Official or designee. Exceptions to the preceding requirements include: new or used cars, cycles and trucks sales (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales, florists and plants nurseries.

16.42.070 Lighting.

A. Purpose.

1. This section has been formulated to allow for the provision of street lighting for reasons of safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley. It is the intent of this section that such lighting shall be provided by and through annexation of the City to Clackamas County Service District No. 5 or its successor.
2. The rules and regulations set forth in this section are jointly established by the City, Clackamas County Service District No. 5, or its successor, and Portland General Electric Co. (PGE) for all street lighting installation and service within the City.

B. Street Light Design Requirements.

1. Street lighting installations to be provided with light from dusk to dawn daily, activated by photo-electrical control.

2. Whenever any installation of street lighting is made, the City, in cooperation with the District and PGE, or its successor, shall approve the design for such lighting. Street lighting design shall conform to the following requirements:

- a. Street lighting shall be provided only on public rights-of-way;
- b. Illumination levels shall be guided by the recommendations of the most current edition of the "American National Standard—Standard Practice for Roadway Lighting";
- c. The luminaire spacing may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the discretion of the City.

C. Street Lighting Service.

1. New Development. For any subdivision of land or planned unit development, the landowner or developer, as a part of the minimum improvement standards, shall install street lighting on all public streets within the development. The recommended standards of this section and PGE shall be used for placement of light standards for uniformity of illumination.

2. Public Safety. Whenever the City determines that, in the interest of public safety, street lights should be installed anywhere in the City, the City Manager, or Public Works Director, or their designee, shall initiate the processes of both selection and installation of appropriate fixtures.

3. Installation and Maintenance. PGE shall install and maintain all materials and equipment. This includes lamp replacement on burnouts as soon as reasonably possible after notification.

D. Special Lighting.

1. Special lighting different from these standards may be approved by the review body when used for lighting parks, picnic areas, entrance areas of a subdivision and other areas requiring special lighting. Such lighting shall not be a part of the lighting district and shall be separately metered and paid for by the homeowners' association or those residents benefiting from the special lighting.

2. Any lighting proposed by a landowner or developer for any open space whether public or private in a subdivision or planned unit development shall be reviewed by the City and either approved or denied as a part of Section 16.63.060. All lighting in open spaces should contribute to the safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley.

E. Standards for Materials and Equipment for Street Lighting.

1. Local private and public residential and neighborhood streets outside of new subdivisions/PUDs, and excluding properties annexed to the City after August 1, 2003 and properties located in the Rock Creek and East Happy Valley Comprehensive Plan areas:

a. Poles (new or replacement): Fiberglass poles meeting PGE specifications, thirty (30) foot overall length for twenty-five (25) foot mounting height. Color to be bronze. Special poles may be required for minor arterials at the discretion of the City;

b. Bracket: An eight-inch arm pursuant to PGE specifications;

- c. Luminaire: Shoebox luminaire having a drop lens or flat lens, as required;
 - d. Lamp: High pressure sodium vapor. Wattage of lamps to vary with design requirements, street designation and location;
 - e. All other standards for materials and equipment other than those set forth above shall be those established by the District in cooperation with PGE.
2. Local private and public residential and neighborhood streets including all developments within properties annexed to the City after August 1, 2003 and within the City's Urban Growth Management Area:
 - a. Poles (new): Decorative Westbrook pole, luminaire, lamp and all other standards for materials and equipment as established by Clackamas County Service District No. 5 and Portland General Electric.
 3. Collector Streets, Minor Arterials, and Major Arterials. Lighting fixtures and equipment must be identified on the current Portland General Electric approved fixture list, and must be further approved by the City of Happy Valley Public Works Director and Clackamas County Service District No. 5.
- F. Financing.
1. Method. The method of financing the installation, operation and maintenance of street lighting service facilities shall be by annual assessment against property benefited by street lighting. Property considered benefited by street lighting service is that property with access to a public right-of-way served with street lighting.
 2. Means. Assessments shall be billed and collected with the property tax statement for Clackamas County and shall be identified on the statement as a special assessment for Clackamas County Service District No. 5.
 3. Rate Schedule. Rate schedules shall be classified according to the primary type of electrical distribution. All areas of similar service shall be placed into one of the rate schedules that follow:
 - a. Rate Schedule A. Lots which are served by utility owned luminaires mounted on existing electrical distribution poles with overhead service. Some street light only poles may be used.
 - b. Rate Schedule B. Lots which are served by utility owned luminaires mounted on underground served street light only poles.
 - c. Rate Schedule C. Any other area not conforming to one of the above rate schedules and/or served by optional equipment.
 - d. Rate Schedule D. Adjustment of rate schedules for street or other public area lighting or lighting alterations having a citywide benefit.
 4. Rate. Rates for each schedule shall be established on the basis of City and District cost for equipment, maintenance, energy and administration.
 5. Benefit. All lots in each of rate schedules A, B and D are considered to be equally benefited without regard to frontage, lot size or luminaire size, spacing and location. All lots in rate schedule C are considered to be benefited according to the amount of frontage abutting the public right-of-way served by street lighting, without regard to lot size or luminaire size, spacing and location.

6. Initial Assessments. Assessments for new installations shall begin on July 1st following the installation. The initial assessment rate shall include a prorated amount from any prior fractional year of service plus the current rate established for the tax year beginning July 1st.
7. Special Conditions. Owners requesting street light installation shall be assessed for costs associated with trenching, conduit, transformers, restoration and any other initial cost of installation not provided for by State Schedule 91 for Portland General Electric Company. Installation costs shall be assessed by the same method as for street light services. Assessments exceeding one hundred dollars (\$100.00) may be eligible for Bancroft financing in accordance with ORS 451.530 or appropriate state statute.

G. Removal.

1. Request. Whenever any interested person requests removal of street lights, the request shall be in petition form and shall contain the signatures of more than fifty (50) percent of the owners of land to be affected by the street light removal. Petitions shall contain a description of the area as well as the reason for requesting such removal.
2. Removal. The City, before attempting to remove street lighting, shall:
 - a. Provide for notice to affected owners of the intention to remove street lighting and to assess affected property for all of the cost;
 - b. Provide the affected owners with an estimate of the cost of removal;
 - c. Provide for a hearing at which time affected owners may appear to object to the removal of street lighting.
3. Notice. Notice shall be by first class mail to the name and mailing address of each owner as listed by the tax assessor of Clackamas County.
4. Cost. If street lighting is removed at the request of the affected owners, a charge shall be made consisting of the installed cost, less accrued depreciation and less salvage value, and plus cost of removal.
5. Payment. Removal costs shall be assessed by the same method as for street light service. Assessments exceeding one hundred dollars (\$100.00) may be eligible for Bancroft financing in accordance with ORS 451.530 or appropriate state statute.

16.42.080 Shared outdoor recreation areas.

- A. Applicability. The standards of this section apply to subdivisions of thirty (30) or more units.
- B. Exemptions. The standards of this section do not apply to PUDs subject to the open space requirements of Section 16.63.130(H)(1), or to multifamily housing subject to the outdoor recreation area requirements of Section 16.44.010(C)(9).
- C. Density. The recreation area requirements of this section shall not affect the number of dwelling units allowed by the density calculations in Section 16.63.020. Applicants may include the recreation area tract when applying lot size averaging and the flexible lot size standards in Section 16.63.030(A) in order to achieve the permitted density.
- D. Recreation area tracts required by this section must meet the following standards:

1. Size. Each tract must be at least one hundred (100) feet wide by one hundred (100) feet deep;
 2. Location. No more than fifty (50) percent of each recreation area tract may be in a Natural Resource Overlay Zone or in a Flood Management Overlay Zone;
 3. Accessibility. Each recreation area tract must have at least thirty (30) feet of street frontage;
 4. Ownership. The tracts must be owned in common by all of the owners of the land division site, owned by a homeowners' association, or owned by a public agency; and
 5. Improvements. The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.
- E. Required Recreation Area Approval Criteria. All of the following approval criteria must be met:
1. Location. Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;
 2. Accessibility. Each recreation area must be reasonably accessible to all those who will live on the land division site; and
 3. Improvements. Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas shall include improvements such as children's play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements. The recreation area improvements should be installed before any of the dwelling units on the site have received final inspection.

Chapter 16.43 PARKING AND LOADING

16.43.010 Purpose.

The intent of these regulations is to provide adequate capacity and appropriate location and design of on-site parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

16.43.020 Applicability.

All developments involving land division or subject to site design review, including development of parking facilities, shall comply with the standards in this chapter.

16.43.030 Automobile parking standards.

- A. General Requirements for Off-Street Parking and Loading.

1. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles, is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
2. An area shall not be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Engineering Manager or designee based on the City's Engineering and Design Standards Manual. Parking and maneuvering areas, including drive-through aisles, will be reviewed to ensure the design provides for the safe and adequate movement of all vehicles, pedestrians and service providers per the Engineering and Design Standards Manual.
3. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with subsection B of this section or as otherwise modified through a planned development or specific area plan.
4. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.
5. Increased Intensity. When increased intensity requires no more than two vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
6. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in subsection B of this section, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.
7. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.
8. Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.
9. Truck Parking. In residential zoning districts, no overnight parking of commercial vehicles shall be permitted except as allowed through the provisions of a home occupation permit. Vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted are exempt from the restrictions of this subsection.
10. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Parking spaces shall not be used for the storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

11. Shared Bicycle Parking. Multifamily dwelling units with more than ten (10) required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least fifteen (15) percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.
 12. All dwellings shall have direct, unimpeded access from the required off-street parking spaces to the nearest public street, road or accessway.
- B. Minimum Off-Street Parking Space Requirements and Calculations.
1. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.
 2. Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.
 3. On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.
 4. Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.
 5. If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.
 6. Mixed Uses. In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
 7. Transit. Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.
 8. Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.
 9. Fractions. When the sum of the required vehicle or bicycle parking spaces is a fraction of a space less than one-half, the fraction shall be rounded down to the nearest whole number. When the fraction of the space is greater than one-half, the fraction shall be rounded up to the nearest whole number.
 10. Maximum Parking Allowed. A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.
 11. Parking Table. The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.

Table 16.43.030-1

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
Residential					
Single-family detached	2 per dwelling			None required	N/A
Single-family attached (townhome), duplex, triplex, quadplex, cottage cluster	1 per dwelling ³			None required	N/A
Manufactured home park	2 per dwelling			None required	N/A
Multifamily dwellings containing five or more units ⁴					75
Studio and one bedroom units	1.25 per dwelling			1 space per unit	
Two-bedroom units	1.5 per dwelling			1 space per unit	
Three or more bedroom units	1.75 per dwelling			1 space per unit	
Visitor parking	0.35 per dwelling unit (if less than 100 total units); 35 spaces or 0.25 per dwelling unit, whichever is greater (if 100 or more total units)				
Congregate housing, retirement homes, intermediate care facilities	1 per 3 beds plus 1 space per employee on the largest work shift			1 per 5 beds	50
Residential care facilities	1 per 4 beds plus 1 space per employee in the largest work shift			1 per 5 beds	50
Community Services, Institutional and Semipublic Uses					
General office, government office	3 per 1,000 sq. ft. gross floor area	3.4 per 1,000 sq. ft.	4.1 per 1,000 sq. ft.	2 or 1 per 20 auto spaces whichever is greater	35
Community recreation buildings/covered picnic areas	1 per 250 sq. ft., or 1 space per four patrons to the maximum capacity,			0.3 spaces per 1,000 sq. ft. of floor area	35

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
	plus one space per employee on the largest shift				
Church, chapel, auditorium	0.8 per 1,000 sq. ft.	0.6 per 1,000 sq. ft.	0.8 per 1,000 sq. ft.	1 space per 40 seats	35
Library or museums	2 per 1,000 sq. ft. gross floor area			2 or 1.5 spaces per 1,000 gross sq. ft., which is greater with 10 percent required to be long-term bicycle parking	35
Lodge, fraternal and civic assembly with/or without eating and drinking facilities	1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats			2 or 1 per 20 vehicle spaces	35
Hospitals and medical centers	1 per 500			0.2 spaces per 1,000 gross sq. ft.	35
Medical and dental offices and clinics	4 per 1,000 sq. ft. of gross floor area	4.9 per 1,000 sq. ft.	5.9 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of floor area	35
Schools					
Day care/small school	1 per employee and 1 per five students			1.5 spaces per classroom	35
Preschool/kindergarten	2.5 per 1,000 sq. ft. gross floor area			1.5 spaces per classroom	35
School—Elementary	2 per classroom, plus recreation facilities, if applicable			2 spaces per classroom	35
School—Middle school/junior high	2 per classroom, plus recreation facilities, if applicable			4 spaces per classroom	35
School—Senior high	0.6 per 1,000 sq. ft. gross floor area, plus	0.3 per 1,000 sq. ft.	0.6 per 1,000 sq. ft.	4 spaces per classroom	35

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
	recreation facilities, if applicable				
School—Vocational or college	3 per 1,000 sq. ft. of gross floor area, plus recreation facilities, if applicable	0.3 per 1,000 sq. ft.	3 per 1,000 sq. ft.	0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which residential facility standards apply)	35
Commercial Uses					
Retail sales, general and personal services	4.5 per 1,000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1,000 sq. ft. of gross floor area	50
Shopping centers	4 per 1,000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1,000 sq. ft. of gross floor area	50
Retail sales, bulky merchandise (examples: furniture or motor vehicles)	1 per 800 sq. ft. of gross floor area			0.3 per 1,000 sq. ft. of gross floor area	50
Grocery stores	2.9 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft. of gross floor area	50
Convenience market	2.3 per 1,000 sq. ft. of gross floor area			2 spaces per 1,000 sq. ft. of gross floor area	50
Restaurant/coffee shop/food-beverage carts (with drive-through)	11.4 spaces per 1,000 sq. ft. of gross floor area	12.4 per 1,000 sq. ft.	14.9 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area	25
Restaurant/coffee shop/food-beverage carts without drive-through	11.5 spaces per 1,000 sq. ft. of gross floor area ²	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area	25
Sports club/health spas/recreation facilities	4.3 spaces per 1,000 sq. ft. of gross floor area or field area (see Section 16.43.030(H))	5.4 per 1,000 sq. ft.	6.5 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of gross floor area	50

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
Basketball, tennis and racquetball clubs and courts	2 spaces per 1,000 sq. ft. of floor area; square footage of outdoor courts shall include the area of sport activity only (i.e., not including any sidelines, etc.)	1.3 per 1,000 sq. ft.	2 per 1,000 sq. ft.	0.4 spaces per 1,000 sq. ft. of gross floor area	50
Theaters/sports arenas/stadiums	0.3 spaces per seat or 6 linear feet of bench seating	0.4 per seat	0.5 per seat	0.04 spaces per seat or 60 linear feet of bench seating	10
Service station	3 spaces plus 2 spaces per service bay, if any			2 spaces or 0.2 per 1,000 sq. ft. of gross floor area whichever is greater	50
Service station with convenience market with gas pumps	2.3 spaces per 1,000 sq. ft. of gross floor area			2 spaces or 0.2 spaces per 1,000 sq. ft. of gross floor area, whichever is greater	50
Parks and open spaces	None required, except that parking for sport courts, recreation facilities, community recreation buildings and covered picnic areas shall be computed separately. Parking for these facilities may be shared in accordance with Section 16.43.030(C)			4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater	50
Bank (with drive-through)	4.3 per 1,000 sq. ft. of gross floor area	5.4 per 1,000 sq. ft.	6.5 per 1,000 sq. ft.	0.5 space per 1,000 sq. ft. of gross floor area	10

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
Bank without drive-through	5 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area	10
Industrial Uses					
Manufacturing, processing, packing, assembly, and fabrication	1.6 per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area	10
Warehousing, freight movement distribution, and storage	0.5 space per 1,000 sq. ft. of gross floor area (if less than 150,000 sq. ft. of floor area)	0.4 per 1,000 sq. ft.	0.5 per 1,000 sq. ft.	0.1 space per 1,000 sq. ft. of gross floor area	10
	0.3 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area)				
Wholesale, retail sales	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area	30
Industrial, commercial services	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area	30
Office (relating to industrial uses)	2.7 spaces per 1,000 sq. ft. of gross floor area	3.4 per 1,000 sq. ft.	4.1 per 1,000 sq. ft.	0.5 space per 1,000 sq. ft. of gross floor area	30

NOTES:

- 1 Parking maximums are based on A and B Zone designations, pursuant to Metro Regional Transportation Functional Plan Title 2, Regional Parking Management, and as listed in Table 3.08-3 - Regional Parking Ratio Table and illustrated in the Regional Parking Maximum Map. The zones are based on access to transit. Areas with twenty (20) minute peak hour transit service available within a one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit shall be within Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within one-third mile walk from adjacent residential areas).
- 2 Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants/coffee shop/food-beverage carts without drive-through.
- 3 The provision of additional parking spaces is not required for housing type conversions (e.g., conversion of a single-family detached dwelling to triplex), per LDC 16.62.020-1
- 4 In order to address the conversion of garages from parking to storage, in multifamily developments where parking is provided in individual garages an additional one hundred (100) square foot by ten (10) foot high storage area is required per dwelling unit. Alternatively, the applicant may provide a parking management plan. At a minimum, the parking management

plan shall include quarterly inspections and sworn affidavits by the multifamily development owner/management company guaranteeing the utilization of garage parking for automobile parking spaces only. Further, the parking management plan shall demonstrate that the parking pricing policies of the multifamily development will not result in additional on-street parking by tenants.

C. Shared Use of Parking Facilities.

1. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated by a maximum of two hundred (200) feet (measured as a direct pedestrian route).
2. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement or similar written instrument.
3. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) or typically provide services to many of the same patrons within the same development, and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.
4. Any change in use which would produce a need for additional parking in a shared situation shall require additional review pursuant to Section 16.62.040.

D. Carpool, Hybrid/Electric Car and Vanpool Parking. New industrial, commercial, and institutional uses with more than twenty (20) employee parking spaces on site shall meet the following minimum requirements for carpool, hybrid/electric car and vanpool parking.

1. For this section, a hybrid car is defined as an automobile that is powered by two fuel sources (i.e., gas and electricity) and achieves a combined EPA gas mileage of forty-five (45) miles per gallon or more.
2. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool/hybrid/electric car use during normal working hours. More spaces may be reserved, but they are not required.
3. The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
4. Signs must be posted indicating these spaces are reserved for carpool/hybrid/electric car use during normal working hours and those hours must be included on the sign.

E. Parking Location.

1. Vehicle parking required for residential uses shall be provided on the development site of the primary structure. Required parking for all other uses shall be provided only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.
2. No off-street parking shall be allowed in the landscaped yard areas of any lot.
3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Table 16.43.030-1 of this section.
4. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

5. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family detached, duplexes, triplexes, quadplexes, and townhomes, required parking may be located in front of a garage.

6. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of ten feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

F. **Parking Area Design, Size, Layout and Access.** All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

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

2. The following table states the minimums for parking space size:

**Table 16.43.030-2 Off-Street Parking Matrix
Required Space and Aisle Dimensions in Feet**

Standard Size Vehicles						Compact Size Vehicle					
Angle	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	
0° (parallel)	8.0	24.0	N/A	N/A	N/A	8.0	20.0	N/A	N/A	N/A	
45°	9.0	17.5	12.0	47.0	2.0	8.0	15.5	11.0	42.0	2.0	
60°	9.0	19.0	16.0	54.0	2.5	8.0	17.0	14.0	48.0	2.5	
75°	9.0	19.5	23.0	62.0	2.5	8.0	17.5	21.0	56.0	2.5	
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5	

3. **Parking Lot Layout.** Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Section 16.42. Wheel stops, bumper guards, or other method to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of five feet for safe pedestrian circulation is required. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

4. Groups of more than three parking spaces shall be permanently marked.

5. **Backing and Maneuvering.** Except for a single-family dwelling or two-family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround

areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the Public Works Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

6. Parking Lot Lighting.

- a. Artificial lighting shall be provided in all required off-street parking areas.
- b. The “Lighting Zone” (LZ) shall determine the limitations for lighting. The Lighting Zones shall be specified as follows:
 - i. LZ0: No Ambient Lighting. Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.
 - ii. LZ1: Low Ambient Lighting. Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After operating hours, most lighting should be extinguished or reduced as activity levels decline.
 - iii. LZ2: Moderate Ambient Lighting. Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
 - iv. LZ3: Moderately High Ambient Lighting. Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.
 - v. LZ4: High Ambient Lighting. Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.
- c. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using LZ-2 for either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total

installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires:

Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method

May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method

May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Base Allowance				
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

Table B - Lumen Allowances, in Addition to Base Allowance

	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional allowances for sales and service facilities.					
No more than two additional allowances per site, Use it or Lose it.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot	16 lumens per square foot	16 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	0	1,000 per LF	1,500 per LF	2,000 per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fc horiz)	8,000 lumens per pump (based on 10 fc horiz)	16,000 lumens per pump (based on 20 fc horiz)	24,000 lumens per pump (based on 20 fc horiz)

- d. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. All luminaires shall be rated and installed according to Table C, lighting zone 2:

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

TABLE C-1	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B0	B1	B2

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

**Table C - 2 Maximum Allowable Uplight
(BUG) Ratings - Continued**

TABLE C-2	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%

**Table C - 3 Maximum Allowable Glare
(BUG) Ratings - Continued**

TABLE C-3	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Glare Rating	G0	G1	G2	G3	G4
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1

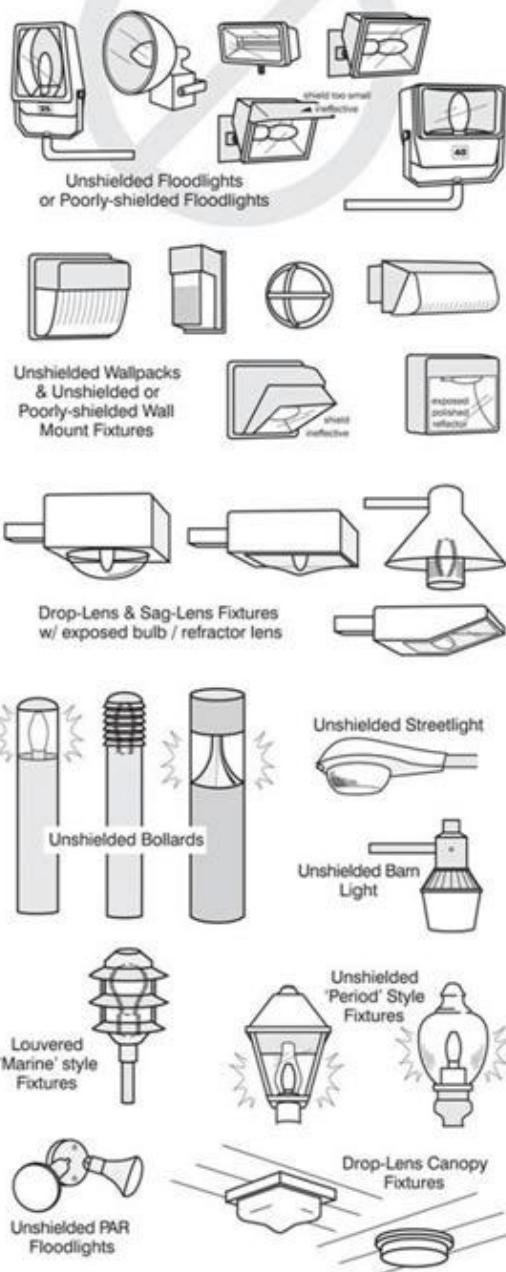
** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

- e. Light elements shall be fully shielded and shall have no light emitted above ninety (90) degrees. Examples of acceptable lighting elements, or fixtures, can be found below:

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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- f. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

7. Parking stalls for compact vehicles shall not exceed thirty-five (35) percent of the total parking stalls required by Table 16.43.030-1. Stalls in excess of the number required by Table 16.43.030-1 can be compact stalls.

G. Accessible/Handicapped Parking Facilities. Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive.

H. Recreation facilities are public or private facilities used for active recreation activities. They may be indoor or outdoor and include facilities such as athletic fields, swimming pools, miniature golf, and skateboard parks.

1. Parking requirements for athletic fields shall be computed based on the square footage of the area of sport activity (i.e., the field of play not including any sidelines, etc.).
2. In no case shall the number of parking spaces required for an athletic field exceed thirty (30) spaces per field except where the field is part of a stadium or sports arena.
3. Parking requirements recreation facilities other than athletic fields shall be computed based on gross square footage of the building and/or improved or fenced area.

16.43.040 Bicycle parking standards.

- A. Required Number and Type.
1. Bicycle parking requirements are provided in the parking Table 16.43.030-1.
 2. For specific uses listed in Table 16.43.030-1 under the following categories a portion of the required bicycle parking shall be provided as long-term bicycle parking spaces: Multi-family Dwellings; Schools; Community Services, Institutional and Semipublic Uses; Commercial Uses; and Industrial Uses.
 - a. Long-term bicycle parking is defined as parking that is secure for longer stays (more than four hours). Long-term bicycle parking may be provided through lockable enclosures, a designated bicycle storage area inside a building on-site, a covered rack, or another form of sheltered parking where the bicycle can be stored.
 - b. For major transit stops and park-and-ride lots that are proposed for commuter use only, at least four bicycle parking spaces shall be required; one hundred (100) percent of all required bicycle parking spaces shall be long-term spaces.
- B. Location and Design.
1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
 2. Bicycle parking should be no further from the main building entrance than the distance to the closest vehicle space, or fifty (50) feet, whichever is less. Long-term bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.
 3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.

4. Bicycle parking shall not impede or create a hazard to pedestrians. The location of bicycle parking facilities shall not conflict with vision clearance standards.
 5. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to the approval of the appropriate governing official and provided it meets the other bicycle parking requirements.
 6. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
 7. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.
- C. Bicycle Parking Space Dimensions.
1. Each required bicycle parking space shall be at least two and one-half feet by six feet. If covered, vertical clearance of seven feet must be provided.
 2. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.
- D. Security.
1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
 2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.
 3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.
 4. Required bicycle parking inside a building shall be provided in a well illuminated, secure location within fifty (50) feet of a building entrance.
 5. Outdoor bicycle parking spaces shall be clearly visible from the building entrance or the public right-of-way and shall be located within fifty (50) feet of the public entrance to the building unless clustered pursuant to Section 16.31.030, in which case the parking spaces shall be no more than one hundred (100) feet from a public entrance.
6. If the outdoor vehicle parking area for a use has lighting, then the bicycle parking areas associated with that same use are required to be lit to the same extent.
- E. Signing. Where bicycle facilities are not directly visible and obvious from the public right-of-way, entry or directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.
- F. Exemptions. Temporary street-side sales and temporary uses such as fireworks stands, Christmas tree sales lots, single-family and are exempt from the standards. (Ord. 507 § 1, 2016; Ord. 389 § 1(Exh. A), 2009)

16.43.050 Off-street loading facilities.

A. The minimum area required for commercial and industrial loading spaces is as follows:

Table 16.43.050-1 Commercial and Industrial Loading Space Requirements

Use	Aggregate Floor Area (sq. ft.)	Berths Required	Type
Freight terminals, industrial plants, manufacturing or wholesale establishments, warehouses	12,000—36,000	1	A
	36,001—60,000	2	A
	60,001—100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Hospitals, convalescent homes and similar institutions	10,000—100,000	1	B
	over 100,000	2	B
Department stores, retail establishments, restaurants, grocery stores, and commercial establishments not otherwise mentioned	7,000—24,000	1	B
	24,001—50,000	2	B
	50,001—100,000	3	B
	Over 100,000—each additional 50,000 or major fraction thereof	1 additional	B
Hotels or office buildings	25,000—40,000	1	B
	40,001—100,000	2	B
	Each additional 10,000 or major fraction thereof	1 additional	B
Schools	Over 10,000	1	B

B. Uses Not Specifically Mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned use which, as determined by the Planning Official or designee, is most similar to the use not specifically mentioned.

C. Concurrent Different Uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Planning Official or designee but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.

D. Loading berths shall conform to the following minimum size specifications:

1. Type "A" berths shall be at least sixty (60) feet long by twelve (12) feet wide by fifteen (15) feet high, inside dimensions, with a sixty (60) foot maneuvering apron.
 2. Type "B" berths shall be at least thirty (30) feet long by twelve (12) feet wide by fourteen (14) feet six inches high, inside dimensions, with a thirty (30) foot maneuvering apron.
- E. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots. Screening may be waived in commercial districts if the applicant can demonstrate the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours and operation of the surrounding uses.
- F. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the Public Works Director.
- G. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.
- H. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.
- I. The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.
- J. School Loading Requirements. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school (other than a pre-school) having a capacity greater than twenty-five (25) students.
- K. Exceptions and Adjustments. Loading areas within a street right-of-way in areas zoned mixed-use commercial in the Regional Center or Town Center may be approved when all of the following conditions are met:
1. Loading areas must be signed to limit the duration of the activity, which may not exceed one hour for each loading operation.
 2. Proposed loading areas must support a use that requires infrequent loading activity. Infrequent loading activity is defined as less than three operations that occur daily between 5:00 a.m. and 12:00 a.m., or all operations that occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone.
 3. The proposed loading area:
 - a. Does not unreasonably obstruct traffic;
 - b. Does not obstruct a primary emergency response route; and
 - c. Is acceptable to the applicable roadway authority.

Chapter 16.44 SPECIAL STANDARDS FOR CERTAIN USES

16.44.010 Design standards for multifamily housing.

A. The purpose of this section is to provide for additional review to encourage the development of multifamily residential buildings that are visually engaging and compatible with one another and with the surrounding district.

B. Multifamily and single-family attached residential developments shall comply with the requirements of this chapter and the following additional requirements.

1. Roofs. Roofs shall meet the following additional requirements:

a. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with an overhang that is commensurate with the pitch of the roof and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within three hundred (300) feet have roofs similar to what is proposed.

b. Modulation of the building mass shall distinguish individual units and break down the scale of the building through one or more of the following between units:

- i. Vertical offsets that provide breaks in the roof line;
- ii. Horizontal offsets that provide variation in the façade plane; and/or
- iii. Variations of the roof form, such as dormers or street facing gable ends that provide breaks of the roof line.

2. Entries.

a. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.

b. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.

c. Multiple Units. Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.

d. Secondary entries may face parking lots or loading areas.

3. Building Façades Design.

a. Detailed Design. Detailed design shall be provided by using at least eight of the following fourteen (14) architectural features on all elevations as appropriate for the proposed building type and style (see Figures 16.44.010-4 and 16.44.010-5; may vary features on rear/side/front elevations):

- i. Dormers;
- ii. Gables;
- iii. Recessed entries;
- iv. Covered porch entries;
- v. Cupolas or towers;
- vi. Pillars or posts;
- vii. Eaves (minimum of six-inch projection);

- viii. Offsets in building face or roof (minimum of sixteen (16) inches);
 - ix. Window trim (minimum four inches wide);
 - x. Bay windows;
 - xi. Balconies;
 - xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features);
 - xiii. Decorative cornices and roof lines (e.g., for flat roofs);
 - xiv. An alternative feature providing for visual relief, similar to options i through
 - xiv.
- b. Residential Mixed Use Structures. The residential portion of a mixed use structure shall be differentiated through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction.

Figure 16.44.010-4 Example of Architectural Details—Multifamily

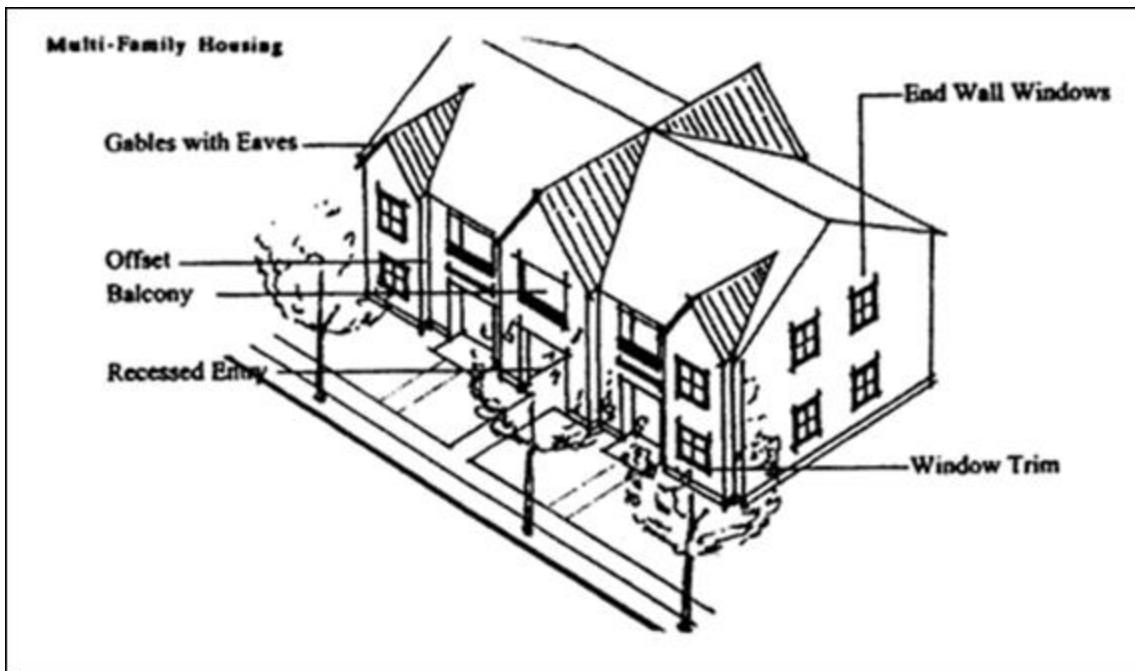
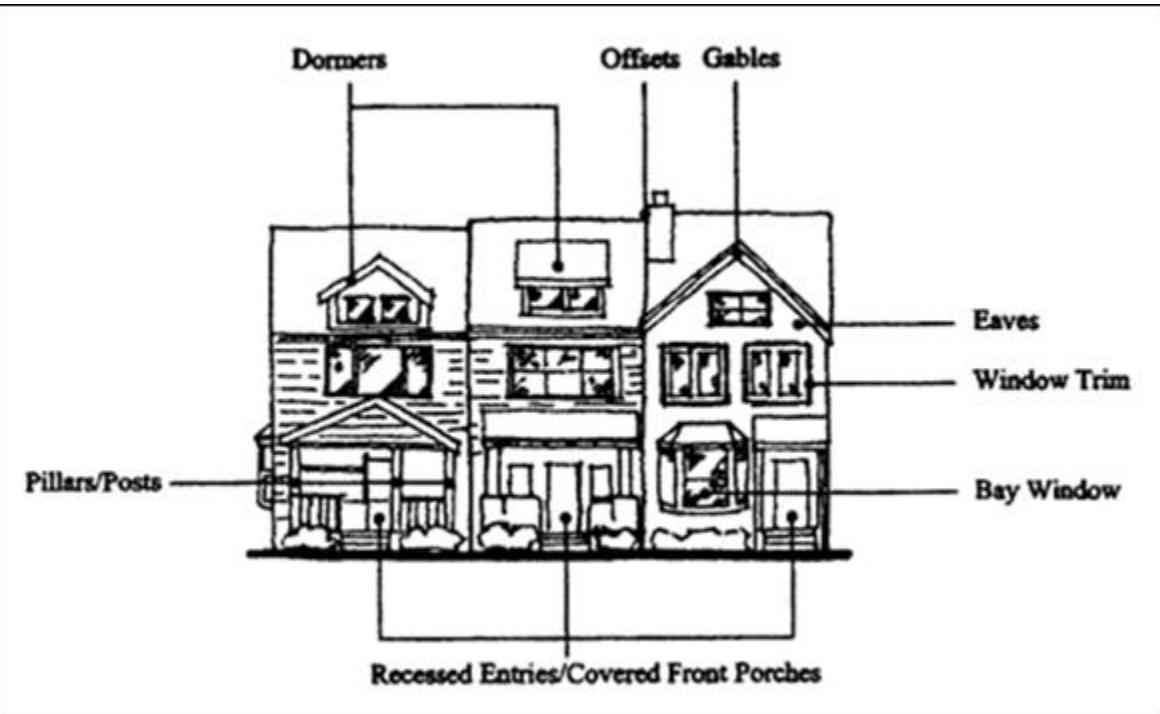


Figure 16.44.010-5 Example of Architectural Details—Townhomes



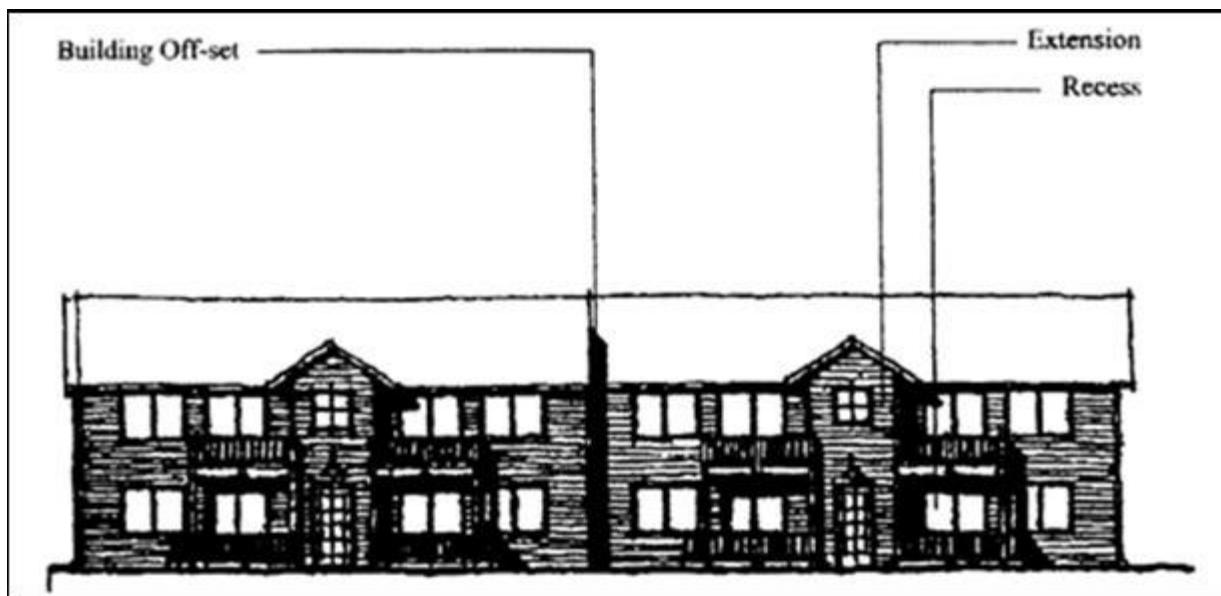
c. Landscape/Hardscape Design. The following standards apply in addition to the landscaping standards in Chapter 16.42.

- i. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.
- ii. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.
- iii. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.
- iv. Hardscaping or landscaping shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.
- v. Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.
- vi. Miscellaneous solid wood materials such as fences, decks, balconies, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown and be required by the

development's Codes, Covenants and Restrictions (CC&Rs) to be maintained over time.

4. Offsets. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every twenty-four (24) feet by providing any two of the following (see Figure 16.44.010-6):
 - a. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of four feet;
 - b. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of four feet, with a maximum length of an overhang not to exceed twenty-five (25) feet;
 - c. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is four feet deep and at least one hundred twenty-five (125) square feet in area.

Figure 16.44.010-6 Example of Extensions and Recesses



5. Private Outdoor Areas.
 - a. A separate outdoor area of not less than forty-eight (48) square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences, or shrubs.
 - b. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level.
6. Parking Lots. Parking lots in multifamily developments shall not occupy more than fifty (50) percent of the frontage of any public street abutting the lot or building.
7. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of the dwelling unit to accommodate garden equipment, patio furniture, barbeques,

bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking areas required.

8. Carports and Garages. If carports and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

9. Shared Outdoor Recreation Areas. Multifamily residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, natural resource buffer areas, and other natural site features, however, at least fifty (50) percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed ten (10) percent in the fifty (50) percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as one and one-fourth square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

- a. Provides approximately the same accessibility to the maximum number of dwelling units possible;
- b. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room, or other activity rooms (bedrooms or bathrooms are not included);
- c. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide;
- d. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
- e. Provides a usable surface materials such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

10. Safety and Security.

- a. Provide an outdoor lighting system that facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
- b. Establish a directory for apartment complexes of five or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

11. Service, Delivery and Screening.

- a. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
- b. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but

not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.

- c. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
- d. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
- e. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
 - i. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas;
 - ii. Evergreen plant materials that will retain their screening ability year-round and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.
- f. Electrical and Mechanical Equipment. On and above-ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping.

12. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71 provided at least one of the following circumstances is met:

- a. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other nature features of the site, buildings or other existing development, utility lines and easements, etc.); or
- b. The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of design review standards for multifamily developments in Section 16.44.010.

13. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

14. Lighting Standards.

- a. For residential properties including multiple residential properties not having common areas all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, column LZ2 and row 2.

Table G - Residential Lighting Limits

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

*** Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire**

- b. Exceptions to this standard include the following: one partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G, column LZ2 and row 1; any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G, column LZ2 and row 3; low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row; shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G, column LZ2 and row 5; open flame gas lamps; Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than fifteen (15) minutes after the area is vacated; and, lighting within the public right-of-way or easement for the principal purpose of illuminating streets or roads.

16.44.020 Wireless communications facilities.

- A. Purpose. The purpose of this section is to assure that wireless communication facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by:
1. Requiring the collocation, to the greatest extent possible, of new wireless communication facilities on existing facilities in order to minimize the number of support towers and related equipment;
 2. Carefully considering the topography, natural features, and adopted overlay zones in selecting potential wireless communication facility sites;
 3. Encouraging the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
 4. Encouraging the location of new support towers and related equipment in nonresidential zones;
 5. Limiting new structures and regulating the enlargement or expansion of existing structures in the right-of-way for the purpose of providing wireless communication facilities; and
 6. Providing wireless communication services using facilities with minimal visual impact.
- B. Excluded Facilities. The following facilities are exempt from the requirements of this section:
1. Siting of dish antennas solely for the benefit of persons residing on a property.
 2. Amateur or "ham" radios and associated equipment.
 3. Public safety communication facilities.
 4. "Utility facilities" as defined in Section 16.12.030.
 5. "Small wireless facilities" placed in the public right-of-way as defined and outlined in Chapter 12.06.
 6. Maintenance of existing wireless communication facilities, as defined in this section.
- C. General Provisions: Siting Priority, Land Use Districts, Collocation Requirements.
1. Siting Priority. Except as otherwise provided in subsection (C)(3) of this section, a wireless communication facility shall be sited according to the following priority, by descending order of preference:
 - a. First priority: collocation of an antenna or antenna array, including small wireless facilities, on an existing support tower, support structure, or utility structure;
 - b. Second priority: collocation of an antenna or antenna array, including small wireless facilities, on a replacement structure;
 - c. Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
 - d. Fourth priority: construction of a new support tower.
 2. Land Use Districts.

- a. Wireless communication facilities are allowed subject to the provisions of this section, the applicable requirements in each land use district, and subject to the following additional limitations:

Zones	Collocation with No Substantial Change and Small Wireless Facilities (located outside of the public right-of-way)	Other New Facility or Substantial Change
Residential	Permitted	Collocation with substantial change permitted as a conditional use subject to the development and design standards. New support tower permitted as a conditional use subject to the requirements of Section 16.44.020.D and the development and design standards of this section.
Steep Slopes and Natural Resources Overlay	Small wireless facilities permitted	Prohibited.
Institutional & Public Use	Permitted	Permitted, subject to the development and design standards of this section.
Commercial	Permitted	Permitted, subject to the development and design standards of this section.
Industrial	Permitted	Permitted, subject to the development and design standards of this section ¹ .
Future Urban – 10 acres	Permitted	Permitted as a conditional use subject to the development and design standards of this section.

¹ WCF are permitted outright in the industrial districts, with a height maximum of 200 feet.

- b. Small wireless facilities are permitted in all zones within and/or outside of the public right-of-way, per the size requirements found within Section 16.12.130 (Definitions), above. Small wireless facilities located within the public right-of-way are further subject to Chapter 12.06 (Small Wireless Facilities) of this code.
- c. The siting of new speculation support towers is prohibited in all zones.
- d. All wireless communication facilities, except for small cell facilities not proposed on a new support tower or support tower system, located in the right-of-way shall be attached to existing utility structures or replacement structures.

- e. Modifications are permitted in all zones, provided the modification does not result in a substantial change in the physical dimensions of the existing support tower or base station.
3. Collocation Required.
 - a. Except for a small cell facility or a new support tower or structure proposed in an industrial district, a wireless communication facility located outside the right-of-way shall be collocated, unless the applicant demonstrates that:
 - i. No existing support structures or support towers which meet the applicant's coverage, capacity and engineering requirements are located within the identified geographic area;
 - ii. Existing support towers, support structures, utility structures or replacement structures are not of sufficient height to provide the identified service within the geographic area;
 - iii. Collocation would interfere with other wireless communication facilities located on an existing support structure or support tower or would jeopardize the physical integrity of the facility upon which collocation would be made;
 - iv. Consent cannot be obtained for the collocation on an existing support structure or support tower despite the applicant's reasonable efforts to obtain such consent; or
 - v. It is not feasible from an engineering or structural standpoint to achieve collocation on an available existing support structure or support tower either due to structural limitations or because the needed auxiliary support equipment cannot be accommodated at the site.
 - b. All wireless communication service providers shall cooperate with other providers to achieve collocation of facilities and all new support structures and support towers shall be designed so as to not preclude collocation provided collocation can be accommodated in a manner consistent with the applicable design and development standards.
 - c. In the event collocation is represented to be infeasible, the City may retain a technical expert in the field of telecommunications engineering to evaluate whether collocation at the site is feasible.
 - d. A wireless communication service provider shall exercise good faith in attempting to achieve collocation with other providers and sharing antenna sites, provided that such shared use does not technically impair its ability to provide wireless communication service. Such good faith shall include sharing of technical information to evaluate the feasibility of collocation. The City may deny a permit application for a wireless communication facility if it determines that the applicant has not made a good faith effort to collocate on an existing support structure or support tower.
4. Collocation/Modification Standards.
 - a. All collocations and modifications shall be designed in such a way as to be visually compatible with the structures on which they are placed. If the existing support structure incorporates stealth technologies or camouflage in its design, collocated and modified facilities shall be similarly designed.

- b. Except for small cell facilities, auxiliary support equipment shall be located within the existing enclosure and shall not result in any material exterior changes to the enclosure.
- c. Collocations and modifications to existing support structures, support towers or base stations shall meet all applicable building code requirements. The applicant shall demonstrate to the satisfaction of the Building Official that the collocation or modification will not adversely affect the structural integrity of the support structure, support tower or base station.
- d. A collocation or modification proposed for a building listed in the Happy Valley Register of Historic Structures shall be designed to incorporate or enhance the existing architectural and design elements of the building.

D. Permit Required—Siting Limitations—Interference—Abandonment.

- 1. Except as otherwise provided in this section, a new wireless communication facility shall not be sited within the City unless a permit is obtained consistent with this section and the applicable requirements of this Code.
- 2. New support towers are permitted as conditional uses in all residential land use districts if, in addition to demonstrating compliance with the conditional use, development and design standards, the applicant also demonstrates compliance with the collocation requirements in subsection C.3.a and the following conditions exist:
 - a. The proposed facility is necessary to satisfy the applicant's coverage, capacity and/or engineering requirements within the identified geographic area and the facility is the least intrusive means to meet these requirements, including documentation from a radio frequency (RF) engineer or a licensed civil engineer regarding the nature and necessity of the coverage, capacity and/or engineering requirements;
 - b. The proposed facility must be sited in a residential zone to satisfy the applicant's coverage, capacity and/or engineering requirements;
 - c. The characteristics of the site (size, shape, location, topography, and location of improvements and natural features) are suitable for the proposed facility;
 - d. The proposed facility will not substantially change the character of the surrounding residential area in a way which limits or precludes use of the surrounding properties consistent with the provisions of the residential zone;
 - e. The proposed facility is designed to minimize the negative impacts on the surrounding properties and uses by utilizing existing site characteristics, including but not limited to the site's size, shape, location, topography, improvements, and natural features, as well the incorporation of camouflage and/or stealth technology. Negative impacts are minimized if there is:
 - i. A decrease in negative visual impacts, including, but not limited to, visual clutter;
 - ii. Better preservation of views or view corridors; and
 - iii. A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

3. A new support structure or support tower shall not be constructed, installed or erected within one thousand (1,000) feet of any other support structure or support tower that is owned, operated or occupied by the same wireless communication service provider. This separation standard does not apply to small cell facilities that work together in a small cell network. Exceptions to this standard may be permitted by the Planning Official or person designated by the Planning Official if, after reviewing evidence submitted by the service provider, the Planning Official or designee finds: (a) that closer spacing is required in order to provide adequate wireless communication service to the subject area; and (b) the service provider has exhausted all reasonable means of collocating on other existing structures located within the proposed service area. The Planning Official's or designee's decision may be appealed to the review body provided the appeal is filed with the Planning Official or designee within ten (10) calendar days of the decision. The appeal shall include the appropriate fees, as set by the City Council by resolution.

4. A support structure or support tower that has not had an antenna or antenna array mounted on it for a period of one hundred eighty (180) successive days, or if the antenna or antenna array mounted thereon are not operated for a period of one hundred eighty (180) successive days, shall be considered abandoned and the owner shall remove the structure or tower and any accompanying auxiliary support equipment within ninety (90) days from the date of written notice from the City. During the ninety (90) days, the owner may apply, and upon a showing of good cause, may be granted an extension of time on such terms as the Planning Official or designee shall determine. If the structure and auxiliary support equipment are not removed, the City may declare the abandoned facility to be a nuisance and seek enforcement pursuant to the Happy Valley Municipal Code and/or may seek and obtain a court order directing the structure or tower to be removed and placing a lien on the real property upon which the structure(s) is located in an amount equal to the cost of removal.

E. Application Submittal Requirements. In addition to the submittal requirements for the applicable approval type in Chapter 16.61, an application for a new wireless communication facility shall include the following:

1. Collocation/Modification/Small Cell Facility Installation Application.
 - a. A site plan that includes a description of the proposed new facility or modification, the design and dimensions, together with elevations showing all components of the existing support structure or support tower and its connection to utilities;
 - b. Documentation that the proposed facility meets the radio frequency emissions requirements of the Federal Communications Commission;
 - c. Documentation that any auxiliary support equipment will not emanate noise at levels that exceed City standards, or designs showing how the sound will be effectively modified to meet those standards by means of baffling, barriers, or other suitable means;
 - d. An engineer's certification that the proposed support structure or support tower will safely handle the load created by the collocation, modification or attachment and comply with American National Standards Institute (ANSI) and other industry safety and structural codes and standards.
2. Application for a new Wireless Communication Facility, Other Than a Collocated/Modified/Small Cell Facility Subject to Subsection E.1. In addition to the submittal requirements listed in subsection E.1, an application for a new wireless communication facility or modification shall include the following:

- a. An engineer's certification that the proposed support structure or support tower will safely handle the load created by the new facilities and future collocation facilities, and complies with American National Standards Institute (ANSI) and other industry safety and structural codes and standards.
- b. For new support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure, or by attachment on a replacement structure for one or more of the following reasons:
 - i. No existing support structures, or utility structures are located within the geographic area where service will be provided;
 - ii. There are no existing support towers, support structures or towers that meet the applicant's coverage, capacity and/or engineering requirements within the identified geographic area;
 - iii. Collocation would interfere with other wireless communication facilities location on an existing support structure or tower, or would jeopardize the physical integrity of the facility upon which collocation would occur;
 - iv. Consent cannot be obtained for the collocation on an existing support structure or tower despite the applicant's reasonable efforts to obtain such consent; or
 - v. It is not feasible for engineering or structural reasons to collocate on an available existing support structure or tower either due to structural limitations or because the needed auxiliary support equipment cannot be accommodated at the site.
- c. An alternatives analysis for new support towers demonstrating compliance with the siting priorities of subsection C.1; provided, however, that an applicant is not required to consider small cell facilities as an alternative to a proposed new support tower.
- d. The number and type of antennas that the support tower is designed to accommodate.
- e. A signed statement of compliance from the owner of the wireless communication facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.
- f. A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least three viewpoints within reasonable proximity of the site. The viewpoints shall be chosen by the applicant, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred fifty (250) feet of the proposed site. If the support tower must comply with the design standards applicable to historic structures, the graphic simulation shall include the proposed design.
- g. If applicable due to the nature of the proposal, coverage maps showing any gap in the service provider's coverage, capacity or technologies and the minimum height or configuration of the facility needed to fill the gap.

3. Application for New Support Tower in Residential Zones. In addition to the submittal requirements of subsections E.1 and E.2, an application for a new support tower in any residential zone shall also provide documentation that:

- a. The proposed facility is necessary to satisfy the applicant's coverage, capacity and/or engineering requirements within the identified geographic area and the facility is the least intrusive means to meet these requirements, including documentation from a radio frequency (RF) engineer or a licensed civil engineer regarding the nature and necessity of the coverage, capacity and/or engineering requirements;
- b. The proposed facility must be sited in a residential or future urban zone to satisfy the applicant's coverage, capacity and/or engineering requirements;.
- c. The characteristics of the site (size, shape, location, topography, and location of improvements and natural features) are suitable for the proposed facility;
- d. The proposed facility will not substantially change the character of the surrounding residential area in a way which limits or precludes use of the surrounding properties consistent with the provisions of the residential zone;
- e. The proposed facility is designed to minimize the negative impacts on the surrounding properties and uses by utilizing existing site characteristics, including but not limited to the site's size, shape, location, topography, improvements, and natural features, as well the incorporation of camouflage and/or stealth technology. Negative impacts are minimized if there is:
 - i. A decrease in negative visual impacts, including, but not limited to, visual clutter,
 - ii. Better preservation of views or view corridors, and
 - iii. A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

F. Procedures.

1. Applications for collocation on an existing support structure, support tower, base station or utility structure, or modification that will not result in a substantial change in the physical dimension of the existing facility shall be reviewed pursuant to the Type I Administrative procedure provided at Section 16.61.020.
2. An application for small cell facilities shall be reviewed pursuant to the Type I Administrative procedure provided in Section 16.61.020. At the applicant's discretion, a consolidated application addressing all or part of a small cell network may be submitted for Type I review as an alternative to individual permitting for each small cell facility in a small cell network.
3. An application for a modification that will result in a substantial change in the physical dimension of the existing facility shall be reviewed pursuant to the Type II Administrative procedure provided at Section 16.61.030, unless the application is for a site in a residential or future urban zone.
4. An application to site a new wireless communication facility on a new support structure or support tower in zones other than residential or future urban zones shall be reviewed pursuant to the Type II Administrative procedure provided at Section 16.61.030.

5. Except as provided above in subsections F.1 and F.2, an application to site a new wireless communication facility on a new support structure or support tower in all residential or future urban zones shall be reviewed pursuant to the Type III Quasi-judicial procedure provided at Section 16.61.040.

6. The City shall issue a final decision on all applications consistent with the timing requirements of ORS 227.178 and applicable federal regulations.

G. Approval Criteria.

1. Collocated Facilities and Modifications.

a. A new wireless communication facility or modification to an existing facility that does not result in a substantial change in the physical dimension of the existing facility shall meet the applicable collocation requirements and standards of this section.

b. A new wireless communication facility or modification to an existing facility that would result in a substantial change in the physical dimension of the existing facility shall meet the applicable collocation requirements and standards of this section.

2. New Support Structure or Tower.

a. A new support structure or support tower is subject to all provisions of this section.

b. In addition, a new support structure or support tower shall meet the following criteria:

i. The application as approved will minimize and/or mitigate reasonably likely adverse impacts of the use on the adjacent properties, surrounding neighborhood and neighborhood character. In order to mitigate and minimize the impact of the support structure or tower, the City may impose conditions relating to the size, design, operating conditions, or other features of the proposal, including those which may be applicable to conditional uses under this Code; and

ii. The application demonstrates compliance with the collocation requirements in subsection C.3.a.

H. Development and Design Standards.

1. Setback Requirements.

a. New support structures and support towers and auxiliary support equipment shelters must meet the applicable setback requirements of the zone in which they are proposed to be sited, except as required in subsection b or c below.

b. A new support structure or support tower proposed on property that is adjacent to a residential zone or an existing residential structure must be set back from the relevant property line or structure by a distance equal to the height of the proposed support structure or support tower.

c. The review body may require greater setbacks for a proposed new support structure or support tower to assure that the proposed facility complies with the visual impact standards of this section or to address identified safety concerns.

2. Height Limitations.

a. A new support structure or support tower located in an institutional, commercial or industrial zone shall meet the applicable height limitation for the zone in which it will be

located, provided that the facility may exceed the height limit in the zone by demonstration by the applicant that additional height is necessary to meet the applicant's coverage, capacity and/or engineering requirements for an identified technology or service. However, a new support structure or support tower may not exceed two hundred (200) feet in an Industrial zone or one hundred fifty (150) feet in any other zone. A "speculative height" support structure or support tower designed to accommodate unknown future users are not allowed in any zone.

b. A new support structure or support tower proposed in a residential or future urban zone shall meet the otherwise applicable height standards in the zone, provided that the facility may exceed the height limit in the zone by demonstrating that additional height is necessary to meet the applicant's coverage, capacity and/or engineering requirements for an identified technology or service. A new support structure or support tower in a residential or future urban zone must be constructed using stealth technology.

c. An antenna attached to an existing support structure, including utility structures and replacement utility structures, may add twenty (20) feet to the overall height of the existing structure regardless of the height standard of the underlying zone.

3. Development Standards.

a. The area around the base of support towers (including any auxiliary support equipment) must be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten (10) feet in width. In the event that placement of a proposed support tower and/or auxiliary support equipment is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Official or designee may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site. Although barbed wire is permitted, no concertina (razor) wire shall be installed atop any fence or barrier.

b. All support structures, support towers, antennas, and antenna arrays and associated facilities shall be finished in a non-reflective neutral color. For a new support structure or tower, the Review body may require camouflaging or stealth technology.

c. Construction and installation of a new support structure or a new support tower is subject to all applicable building code requirements.

d. Antennas, antenna arrays, support structures and support towers shall not be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.

e. Signs, symbols, flags, banners or other such devices or things may not be attached to, painted or inscribed on a wireless communication facility, except for signs with standard public safety warnings, contact information or similar signage.

f. The applicant shall maintain and, if necessary, improve, the existing access to City standards. If there is no existing access, the applicant shall provide a paved access driveway a minimum of ten (10) feet wide to accommodate service vehicles.

I. Wireless Communication Facility Adjustment.

1. **Applicability.** Except as otherwise provided in this section, a wireless communication facility shall not be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this section. These provisions apply exclusively to wireless communication facilities and are in lieu of the generally applicable variance provisions in Chapter 16.71.
2. **Procedure Type.** A wireless communications facility adjustment is a Type II procedure.
3. **Submittal Requirements.** In addition to the general submittal requirements for a Type II application, an application for a wireless communication facility adjustment shall include:
 - a. A written statement demonstrating how the adjustment would meet the criteria.
 - b. A site plan that includes:
 - i. Description of the proposed facility's design and dimensions, as it would appear with and without the adjustment.
 - ii. Elevations showing all components of the wireless communication facility as it would appear with and without the adjustment.
 - iii. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.
4. **Criteria.** An application for a wireless communication facility adjustment may be granted if the following criteria are met:
 - a. The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.
 - b. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
 - c. The applicant demonstrates the existence of either of the following:
 - i. Gap in Service.
 - (A) A gap in the coverage, capacity, or technologies of the service network exists;
 - (B) The gap can only be filled through an adjustment in one or more of the standards in this section; and
 - (C) The adjustment is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this section's standards to the greatest extent possible.
5. **Minimization of Impacts.** The adjustment must minimize or eliminate negative impacts to surrounding properties and uses through by utilizing existing site characteristics including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:
 - a. A decrease in negative visual impacts, including, but not limited to, visual clutter;
 - b. Better preservation of views or view corridors; or

c. A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

J. Special Provisions.

1. Temporary Facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communication facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety (90) days, may not have a permanent foundation and shall be removed within thirty (30) days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

2. Third-Party Review and Associated Fees. The City may engage a third-party expert to review evidence presented by an applicant under this section to demonstrate compliance with this section as to the infeasibility of collocation or the need to fill a service gap. The City Council may establish reasonable fees in amounts sufficient to recover all of the City's costs to retain such consultants.

3. Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communication facility until the application for the specific type of siting has been approved, including any local appeal.

4. Exception for Public Utilities. Nothing in this section shall be deemed to prohibit a public utility, as defined in ORS 757.005 from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in right-of-way, if the installation, construction, enlargement, expansion, or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communication facility.

5. Relocation.

a. The City may require a wireless communication facility located in the right-of-way to be relocated when the public convenience requires the relocation, and the expense thereof shall be paid solely by the owner of the wireless communication facility.

b. Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

c. Should an owner fail to remove or relocate the wireless communication facility or facilities by the date stated in the notice, the City may cause removal or relocation of the wireless communication facility or facilities, and the expense thereof shall be paid by the owner, including all enforcement and other costs incurred by the City due to the owner's failure to remove or relocate the wireless communication facility or facilities.

d. If an owner must relocate its wireless communication facility or facilities in the right-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

6. Measurements. Unless otherwise specified in this section, all references to existing, allowed or modified height in this section are measured from the original grade at the base of the wireless communications facility as originally approved to the highest point on the wireless

communication facility, including all antennas approved prior to February 22, 2012, and excluding any lightning rods.

16.44.030 Model homes.

- A. Purpose. This section permits construction of model homes in conjunction with preliminary approval of a residential subdivision pursuant to Sections 16.63.050 through 16.63.070 of this title.
- B. Process. A model home may be approved by the review body concurrently with an application for preliminary approval of a residential subdivision or subsequent to preliminary approval of a residential subdivision and prior to final plat approval. Model homes that are applied for subsequent to a preliminary subdivision approval shall be evaluated pursuant to a Type I procedure.
- C. Approval Criteria. A model home may be constructed and occupied only for the purpose set forth in this section and consistent with its definitions prior to final plat recording and subject to the following approval criteria:
 1. The lot and home foundation for the proposed model home must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with State law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of the underlying development district pursuant to Articles 16.2 and 16.3 or as otherwise provided in this title.
 2. The proposed model home shall be in compliance with all applicable dimensional requirements including, but not limited to, maximum height, maximum lot coverage, minimum setbacks and minimum lot size.
 3. Adequate parking shall be available to serve the model home site. No model home may be occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home.
 4. Adequate emergency vehicle access shall be provided to each model home lot, as approved by the City Public Works Director.
 5. Adequate water supply for fire fighting, as approved by the City Public Works Director, shall be provided to each model home lot prior to installation of combustible materials.
 6. All required public and private utilities within the public right-of-way or private street shall be installed prior to occupancy of the model home. All utility installation must be inspected and approved by the City consistent with this title. This provision is in addition to any other requirements for public utility improvements as may be provided in this title or other applicable law.
 7. The number of model homes in a residential subdivision may be allowed as follows:
 - a. Between one and fifty (50) residential lots, two model homes;
 - b. Between fifty-one (51) and one hundred (100) residential lots, three model homes;
 - c. Between one hundred one (101) and one hundred ninety-nine (199) residential lots, six model homes;

- d. Two hundred (200) or more residential lots, eight model homes.
 - 8. If more than one model home is proposed, the lots on which the model homes are to be located shall be contiguous to one another and within the first phase of development.
 - 9. No variances under Chapter 16.71 shall be permitted to accommodate the model home.
- D. Remedial Action. In the event the City determines the model home has encroached on a property line or violated any applicable standards, the following steps shall be taken to correct the violation:
- 1. The City shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The City may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat or the termination of the model home approval as set forth in Section 16.44.030.
 - 2. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the City in writing.
 - 3. In the event the applicant fails to correct the violation to the satisfaction of the City within the time provided in the notice, the City may at its discretion use the security provided pursuant to subsection (D)(1) above, for purposes of correcting the violation.
 - 4. The City will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the City shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected.
- E. Termination of Model Home Approval. The model home use shall be discontinued no later than two years from the date of the recording of the final plat of the entire subdivision or, where there is phasing, the first phase of the subdivision. Approval may be extended for a maximum of one additional year by the Planning Official or designee with the concurrence of the building official and public works director. (Ord. 501 § 1, 2016; Ord. 433 § 1, 2013; Ord. 389 § 1(Exh. A), 2009)

16.44.040 Manufactured home standards.

Minimum standards for a manufactured home on an individual lot as a single-family dwelling:

- A. The manufactured home shall be multisectioinal (double-wide or wider) and enclose a space of not less than one thousand (1,000) square feet (exclusive of the garage) of living space i.e., total of exterior dimensions of all habitable rooms, as determined by measurement of the length and width of the manufactured home.
- B. Manufactured homes shall be allowed in any residential zone of the City that allows single-family dwellings.
- C. The manufactured home shall be placed on a poured-in-place, concrete backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above grade.
- D. The manufactured home shall have a pitched roof which shall have a minimum slope of two and one-half to three feet in height for each twelve (12) feet in width.

E. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roofing material commonly used on residential dwellings used within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City as the local permit approval authority.

F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.

G. The manufactured home shall have a garage constructed with exterior materials matching the manufactured home's exterior material. Carports are not allowed because garages are consistent with the predominant construction of immediately surrounding dwellings in all residential zoning districts in the City.

H. A manufactured home and the lot upon which it is to be sited are subject to any development standard, architectural requirement and minimum size requirement to which conventional single-family residential dwellings on the same lot would be subject which also includes specific design, landscaping, and exterior siding and roofing requirements.

I. A manufactured home shall not be sited in any area designated as an historic district or residential land immediately adjacent to an historic landmark.

J. All manufactured homes (except for manufactured homes located within a manufactured homes subdivision or in mobile home parks) shall utilize at least two of the following design features:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Attached garage;
6. Window shutters;
7. Off-sets on building face or roof (minimum twelve (12) inches);
8. Gables;
9. Covered porch entry;
10. Pillars or posts;
11. Eaves (minimum six inches);
12. Tile or shake roof;
13. Horizontal lap siding;
14. A roof with a pitch greater than nominal 3-12.

K. If the manufactured home is removed from its foundation, the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home, and permanently disconnect sewer, water and other utilities unless otherwise authorized by the City. In the event the owner fails to accomplish such work within thirty (30) days from the date on which the manufactured home is moved from its foundation, the City may perform such work and place a lien

against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, on the original foundation as modified, or by another approved manufactured home within thirty (30) days of the original manufactured home's removal.

16.44.045 Mobile home parks.

- A. The standards of this section supersede the standards of Section 16.64.040, when applicable in regard to the underlying comprehensive plan designation/zoning district, of the LDC in reviewing applications for mobile home parks. The standards of this section are applicable to proposed new mobile home parks and mobile home park expansions, including the provision of all Level 1 services, per the requirements of this title.
- B. Density and Setbacks. The maximum density allowed in a mobile home park shall not exceed that of the underlying zone. A minimum ten (10) feet distance shall be maintained between mobile homes.
- C. Landscaping and Screening. Except as required for vision clearance, a landscaped area of at least twenty (20) feet in depth which attains a height of at least five feet within two growing seasons is required along the perimeter of the park. A fence may be provided in addition to the required perimeter landscaping, its placement to be approved by the review body. In addition, all open spaces not occupied by structures, mobile homes or paved areas, shall be planted or otherwise landscaped and shall be properly maintained.
- D. Roadways and Circulation. All private roads in mobile home parks shall be a minimum of twenty (20) feet in width if parking is prohibited, or thirty (30) feet if on-street parking is allowed. All private roads must meet City standards for construction and must be paved and named. An internal walkway system must connect each mobile home with the street system and recreation facilities. Circulation plans for mobile home parks must be approved by the fire district.
- E. Fire Hydrants. An adequate number of fire hydrants shall be provided within the mobile home park, so that no mobile home space or structure within the park shall be more than four hundred (400) feet measured along a roadway from a hydrant.
- F. Street Lights. Standard street lights shall conform to the standards of the lighting district.
- G. Numbering of Spaces. Each mobile home space shall be legibly numbered so that it may be easily found, in a manner to be approved by emergency services. A site plan showing the general layout of the park, the location of each numbered space and all roadways shall be furnished to the fire district and to the City.
- H. Recreational Vehicle Parking Area. For proposed new mobile home parks and mobile home park expansions, each mobile home park shall have a separate paved area designated for the parking and storage of recreational vehicles, campers, boats, trailers, etc. Such area shall be enclosed by a sight-obscuring fence. There shall be at least one recreational vehicle parking space for each six mobile home spaces in the mobile home park.
- I. Recreation Area. For proposed new mobile home parks and mobile home park expansions accommodating children under fourteen (14) years of age, a minimum of twenty-five hundred (2,500) square feet, or one hundred (100) square feet per mobile home space, whichever is greater, shall be provided and maintained by the mobile home park owner for a recreation area. A separate

play area is not required if an existing mobile home park can document that it was in existence before March 13, 1989, and rented spaces as an all adult park.

J. Accessory Structures. Other structures within the mobile home park for uses accessory to the park such as a service building, laundry area, recreational facilities, manager's office, etc., are permitted provided they do not draw trade from outside the park. All such accessory structures shall be located a minimum of twenty (20) feet from any mobile home and from other structures, roadways and property lines.

K. Parking. A minimum of one paved parking space per unit is required.

L. Patio. Each mobile home space shall have a patio or deck of concrete, brick, stone or wood at least one hundred twenty (120) square feet in size.

M. Utility Connections. Each mobile home shall be equipped with connections for running water, electricity and sanitary sewage disposal. All utility connections shall be located underground.

16.44.050 Accessory dwelling units.

A. Purpose. The purpose of this section is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of accessory dwelling units (ADUs) within the City. ADUs, commonly referred to as "granny flats" or "mother-in-law apartments," are a well-established housing strategy that utilize an additional living unit in areas zoned for single-family use. By creating a self-contained unit with a separate entrance and kitchen from existing space in the primary dwelling; a combination of existing and newly created space; space in an existing accessory building; or, from the addition of a new accessory building, secondary living areas can be created in association with existing or new homes. Such living space can aid in the housing and dependent care of family members, provide rental income to offset the costs of home-ownership, and add to the supply of affordable housing options available to the citizens of Happy Valley.

B. Development Standards. In addition to the applicable standards of the underlying residential zone, ADUs shall comply with the following development standards:

1. An ADU shall meet all applicable health, fire safety and building codes, pursuant to the Oregon Residential Specialty Code.

2. ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling. Only one ADU per parcel is permitted.

3. The ADU may be created by converting existing living area or adding floor area, or construction of a new structure that is either attached or detached. For example, conversion of space above a primary dwelling's detached garage would qualify as a detached ADU.

However, no detached ADU structure may include a secondary garage (one garage for the primary structure and one for the ADU) separate from the primary dwelling, unless said secondary garage existed prior to the submittal of development plans for the ADU. In addition, the building height of the ADU may not exceed fifty (50) percent of the building height of the primary structure or twenty-six (26) feet, whichever is higher.

4. The maximum gross habitable floor area (GHFA) of an ADU involving the conversion of existing space within a primary dwelling such as a basement or addition shall not exceed fifty (50) percent of the GHFA of the primary residence on the lot. Construction of a new structure

that is attached by means of a breezeway or similar feature does not qualify as an attached structure. For a detached ADU, the GHFA shall not exceed fifty (50) percent of the GHFA of the primary residence on the lot, and shall not exceed a maximum of one thousand (1,000) square feet, whichever is less. The floor area of any garage in the primary dwelling shall not be included in the total calculation of GHFA.

5. Only one entrance shall be located on the front of the primary dwelling or any portion of the primary dwelling abutting a street, unless the dwelling contained additional entrances before the accessory residential unit was created.

6. In order to maintain an architectural character similar to the primary dwelling, the ADU shall have siding and roofing materials and exterior paint colors that generally match the siding and roofing materials, and exterior paint colors of the primary dwelling.

7. The development of the ADU, if utilized for the purposes of short-term rental housing, shall provide an additional on-site parking space if the primary dwelling has less than four on-site spaces (for example, inclusive of a garage and driveway) available before construction of the accessory unit.

8. A minimum six-foot hedge or site-obscuring fence may be required by the Planning Official or designee to buffer a detached ADU from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas of adjacent properties.

16.44.055 Accessory uses and structures.

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

A. Fence limitations shall be as follows:

1. A fence made of wood, vinyl or similar materials that is constructed or installed on an interior or rear property line shall not exceed the height of seven feet unless it is structurally engineered and receives an approved building permit in which case the fence may be constructed to a maximum height of eight feet. Typical field fencing constructed of woven wire or chain link does not require a building permit unless it is more than eight feet high.

2. A fence located in a required front yard or side yard on the street side of a corner lot, forward of the front building line, shall not exceed a height of four feet, unless located within a sight visibility area and/or easement, in which case said fence shall not exceed a height of two and one-half feet measured from the curb elevation.

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

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

C. Accessory structures larger than two hundred (200) square feet in size and fourteen (14) feet in height, such as a separated garage, accessory storage structure, play structure, treehouse, workshop building, etc., may be constructed accessory to a primary dwelling. Accessory structures require conformance with the underlying development district setbacks, lot coverage and all other applicable development standards except for building height. Accessory structure building height, as measured by this title, shall not exceed fifty (50) percent of the height of the primary structure or

twenty-six (26) feet, whichever is higher. Treehouse height shall be measured from the floor level. Treehouses of this size shall require submittal of an arborist's report and structural engineering calculations demonstrating that the tree(s) and structure will support the load of the treehouse.

D. An uncovered swimming pool may be located within a required rear yard or side yard behind the rear building line provided it is no closer than five feet to the property line.

1. Any pool forty-eight (48) inches in height above grade level is to be considered its own fence if the following conditions are met:

- a. The method of entering the pool is a removable ladder or stair that is moved a safe distance from said pool when the pool is not in use.
- b. If a deck or walkway is constructed around aforesaid pool that is over thirty (30) inches above grade, this deck or walkway must be equipped with a guardrail with either vertical or horizontal members that will not permit passage of a nine-inch sphere. If no fence with self-closing and locking gates encloses the yards, one must be installed on the stair or ladder that serves as entry onto the deck or walkway. If more than one entry to deck or walkway is provided, all entries shall have self-closing and locking gates.
- c. The pool must be set and maintained as pursuant to manufacturer's instructions.

2. Any pool installed at ground level or below ground level shall be protected against accidental entry by a fence not less than forty-eight (48) inches nor more than eighty-four (84) inches in height with a self-closing, self-locking gate not less than forty-eight (48) inches from the edge of the pool.

- a. The pool must be set and maintained as pursuant to manufacturer's instructions;
- b. Any pool less than forty-eight (48) inches in height shall be considered to be at ground level installation and treated as same for protective fencing; or
- c. The pool and/or spa and hot tub must be covered by a power safety cover that complies with ASTM F 1346 as listed in Appendix G of the Oregon Residential Specialty Code.

E. An accessory building measuring no greater than two hundred (200) square feet in size and fourteen (14) feet in height may be located within a required rear yard or the required side yards behind the front building line of the primary structure. An accessory building component that extends from the foundation wall, including, but not limited to: eaves; fireplace chases; bay windows; and, similar accessory building components, may be located within a required rear yard or the required side yards behind the front building line of the primary structure, provided that a minimum three-foot setback is maintained between the accessory building component and any pertinent rear or side property line. Covered porticos (commonly referred to as "outdoor rooms"), may be located within a required rear yard provided that a minimum ten (10) foot setback is maintained between the covered portico and the rear property line. Habitable floor area or accessory storage area shall not be considered an accessory building component.

F. A covered front porch that equals a minimum of twenty (20) percent of the lineal frontage of the front building line may be placed in front yard of a residence provided that no part of the porch (excluding eaves) is closer than fifteen (15) feet to a front property line. An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than ten (10) feet to a rear property line. An uncovered deck constructed thirty (30) inches or higher above grade may be located within the required rear yard or

the required side yard behind the front building line provided that it may not be closer than three feet to a property line. An uncovered deck constructed lower than thirty (30) inches above grade may be built up to a property line.

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

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

16.44.060 Affordable housing.

A. Purpose. The purpose of this section is to offer incentives to developers for providing housing that is affordable to the types of households and qualifying residents identified in subsection B (Eligibility for Bonus and Incentives), below. The incentives include the ability to construct up to twenty-five (25) percent more residential dwelling units than normally allowed by the applicable Comprehensive Plan map/zoning map district, and other incentives provided by this section.

B. Eligibility for Bonus and Incentives. In order to be eligible for a density bonus and other incentives provided by this section, a proposed residential project shall:

1. Consist of five or more dwelling units;
2. Be designed and constructed so that at least:
 - a. Twenty (20) percent of the total number of proposed dwelling units are for lower income households, as defined by HUD;
 - b. Ten (10) percent of the total number of proposed dwelling units are for very low income households, as defined by HUD; or
 - c. Fifty (50) percent of the total number of proposed dwelling units are for qualifying residents (senior citizens of any income level) as determined by HUD; and
 - d. Comply with all applicable provisions of this title.

C. Types of Bonuses and Incentives Allowed. A residential project that satisfies all applicable provisions of this chapter shall be entitled to the following density bonus and other incentives. If a

density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this Development Code, the review body is authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled. The housing developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

1. Density Bonus. The density bonus allowed by this section is a permitted use within the following planned mixed use (PMU) districts: Mixed-Use Residential Multifamily Dwellings (MUR-M); Mixed-Use Residential Mixed-Use Buildings (MUR-X); Mixed-Use Commercial (MUC); Mixed-Use Employment (MUE); and the Mixed-Use Employment Neighborhood Commercial Subdistrict (MUE-NC). In addition, the density bonus is permitted use within the Single-Family Attached Residential District (SFA); General Commercial (GC) and

Neighborhood Commercial (NC) zones; and, shall consist of either:

- a. At least a twenty-five (25) percent increase in the number of dwelling units normally allowed by the zoning district applicable to the parcel as of the date of the project land use permit application;
- b. Other incentives of equivalent financial value based upon the land cost for each dwelling unit; or
- c. Any combination of an increase in the number of dwelling units normally allowed by the zoning district and other incentives of financial value equivalent to a twenty-five (25) percent increase in the number of dwelling units.

If a developer agrees to construct both twenty-five (25) percent of the total units for persons and families of low income and ten (10) percent of the total units for very low income households, the developer is entitled to only one density bonus, although the City may, at its discretion, grant more than one density bonus. If a developer agrees to construct less than the percentages of low or very low income housing indicated in subsection (C)(1) above, the City may grant density bonuses or provide other incentives which vary from those prescribed in subsection (C)(1).

2. Other Incentives. A qualifying residential project shall be entitled to at least one of the following concessions or incentives:

- a. A reduction in the parcel development standards of this Development Code (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements, public works improvements, and/or parking requirements);
- b. Approval of a mixed-use component in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and surrounding existing and planned land uses;
- c. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable cost reductions;
- d. A higher density bonus consisting of up to a thirty-five (35) percent increase in the number of dwelling units normally allowed by the zoning district applicable to the parcel or up to a fifty (50) percent increase if the project site is located within one-quarter mile of a commercial center with a grocery store/drug store anchor and within one-quarter mile of a transit route; and

- e. A waiver or reduction of planning application fees, building permit application fees, Transportation SDCs and/or Parks SDCs.

D. Continued Availability. The land use permit application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of the density bonus units in the following manner:

1. Projects with City Funding—Thirty (30) Years. Projects receiving a direct financial contribution or other financial incentives from the City, or a density bonus and at least one other concession or incentive as provided by Section 16.45.060 above, shall maintain the availability of the lower income density bonus units for a minimum of thirty (30) years, and shall enter into a development agreement with the City of Happy Valley stipulating said retention. Lower income density bonus units shall mean those affordable housing units for which a density bonus or other financial incentive was granted for the project; or
2. Projects Receiving Density Bonus Only—Ten (10) Years. Projects that receive a density bonus as the only incentive from the City shall maintain the availability of lower income density bonus units for a minimum of ten (10) years.

E. Location of Bonus Units. The location of density bonus units within the qualifying residential project may be at the discretion of the developer. However, the inclusionary units shall be reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.

F. Processing of Bonus and Incentive Requests. Proposed bonus and incentive requests shall be included as part of the land use application required for the residential project by this title, including the application of all relevant criteria, particularly for road, sewer and water capacity.

1. Findings for Approval. In addition to the findings required for the approval of the pertinent land use applications, the approval of the bonuses and incentives by the review body shall also require the following special findings:
 - a. In the event that the City grants a density bonus, the project would not be a hazard or nuisance to the City at large or establish a use or development inconsistent with the goals and policies of the Comprehensive Plan;
 - b. In the event that the City grants a density bonus, the number of dwellings approved by the land use permit can be accommodated by existing and planned infrastructure capacities;
 - c. Adequate evidence exists to indicate that the development of the property in compliance with the permit would result in the provision of affordable housing in a manner consistent with the purpose and intent of this section;
 - d. In the event that the City does not grant at least one financial concession or incentive in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable costs or the sales price or rent for the targeted dwelling units; and
 - e. There are sufficient provisions to guarantee that the dwelling units would remain affordable in the future.

G. Priority Processing of Affordable Housing Projects. A residential project that satisfies all applicable provisions of this section shall be given priority over other types of projects and permits by all City departments in the processing of land use permit and building permit applications, and in inspections of the project during the construction process.

16.44.070 Agricultural use regulations.

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

Gross Area Required	
Horses and Cows	
1 or 2	40,000 sq. ft.
3	60,000 sq. ft.
4	80,000 sq. ft.
5 or more	95,000 sq. ft. plus 15,000 sq. ft. for each animal over 5
Goats and sheep	
per animal	10,000 sq. ft.
Llamas	
1 or 2	10,000 sq. ft.
3 or more	15,000 sq. ft. plus 5,000 sq. ft. for each llama over 3

B. Large animal runs or barns or pens shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line or closer than one hundred (100) feet from any residence other than the residence of the owner.

1. Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept, subject to one of the following options:
2. Hutches, coops, barns, or pens for a maximum of six rabbits or five hens shall be located a minimum of fifty (50) feet from any dwelling other than the dwelling of the owner and behind the front building line of the dwelling.

C. Animals, chickens and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food, except fodder, shall be stored in metal or other rodent-proof containers. All animal byproducts and waste shall be kept a minimum of five feet from all lot lines. Hutches, coops, barns, and pens shall be enclosed on those sides that are not

otherwise screened from adjacent lots by a sight-obscuring fence, wall, or hedge a minimum of six feet in height.

D. Commercial Activity in Conjunction with Agriculture. In agricultural zones, processing, selling (retail and wholesale), and/or distribution of agricultural products raised on-site are subject to the laws of the State of Oregon.

16.44.080 Special standards for neighborhood commercial uses.

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

B. Permitted Uses. Only those neighborhood commercial uses specifically listed in Tables 16.22.040-1, 16.22.050-1 and 16.22.060-1 may be permitted.

C. Location. Neighborhood commercial uses are limited to lots located adjacent to the intersection of the following types of streets, as designated in the City's transportation system plan:

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

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

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

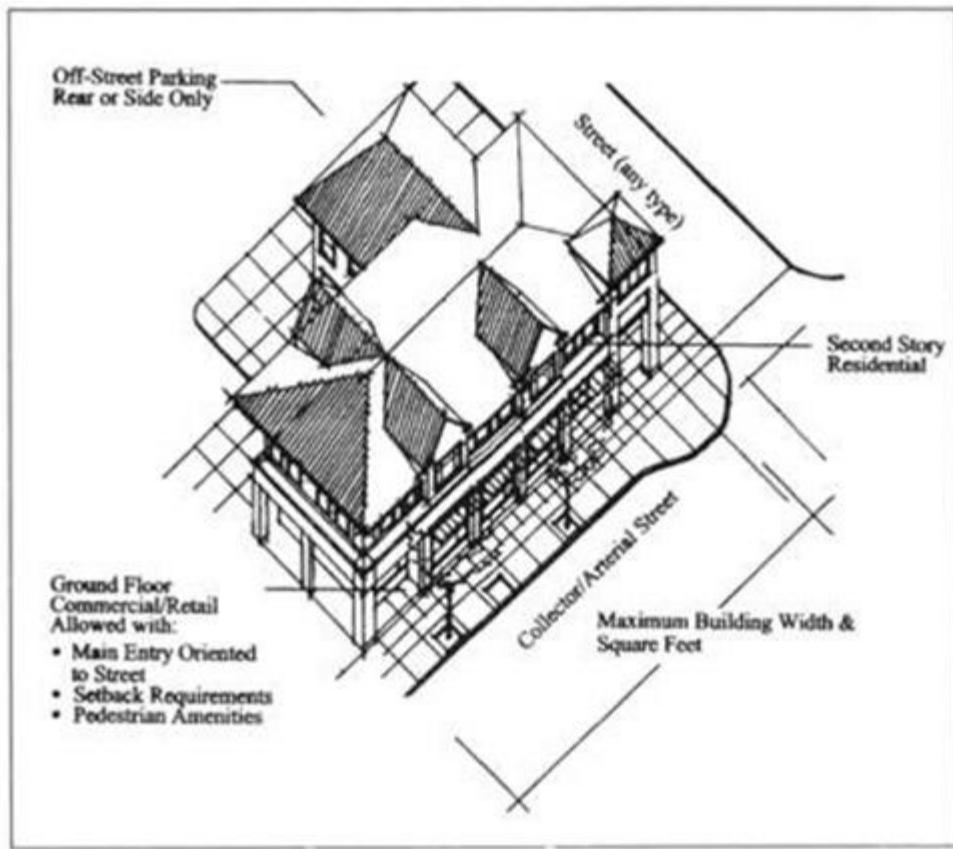
1. Seven thousand (7,000) square feet per building. For buildings located adjacent to the intersection of a major or minor arterial street and collector street.
2. Five thousand (5,000) square feet per building. For buildings located adjacent to the intersection of a collector street and collector street.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

F. Minimum Setback.

1. Front: Twenty (20) feet.
2. Rear: Ten (10) feet.
3. Side: Ten (10) feet.
4. Street side: Eight (8) feet.
5. Maximum lot coverage: Seventy-five (75) percent.

G. Hours of Operation. Neighborhood commercial land uses shall be limited to the following hours of operation: 6:00 a.m. to 8:00 p.m.

Figure 16.44.080-1 Neighborhood Commercial (Typical Site Layout)

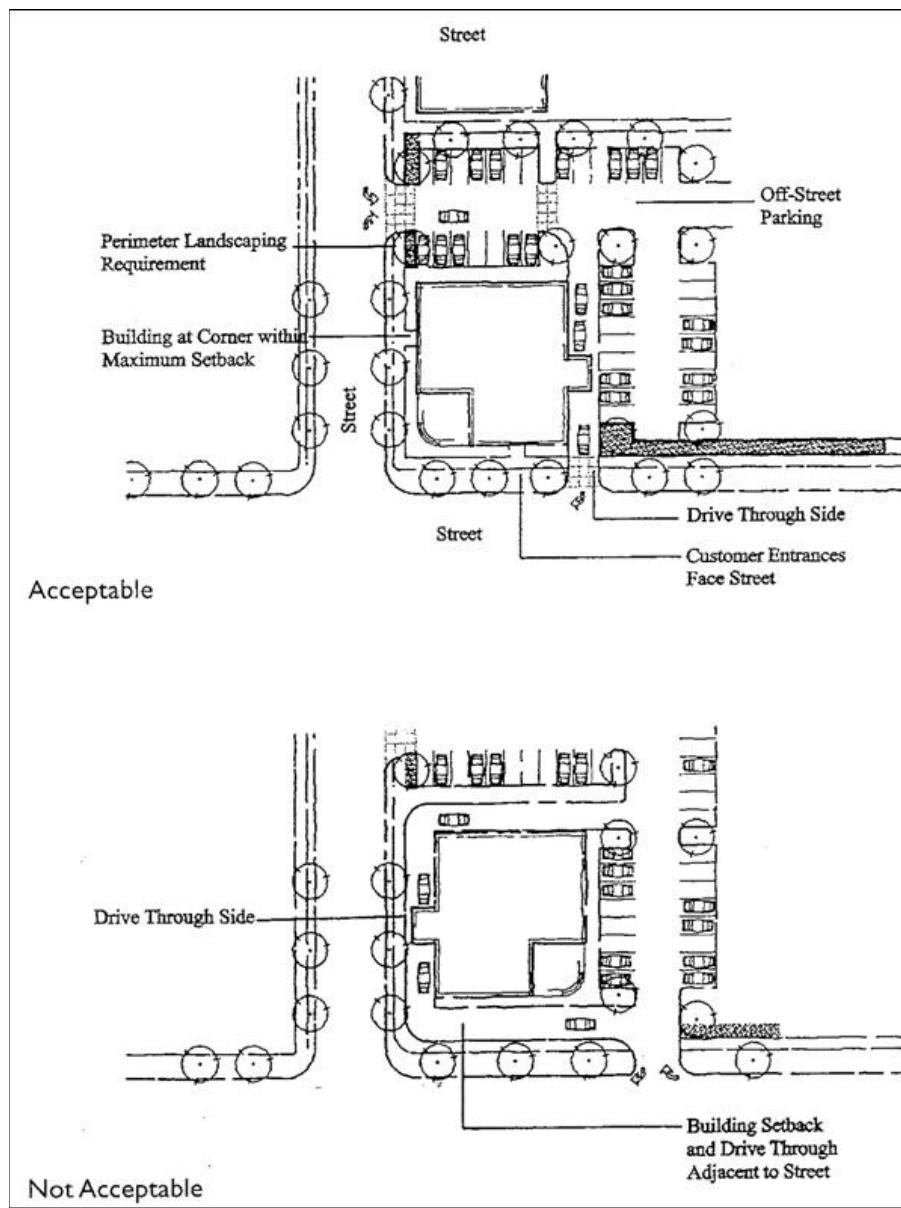


16.44.090 Design standards for drive-up/drive-in/drive-through uses and facilities.

When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

- A. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street (Figure 16.44.090-1);
- B. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner. Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner;
- C. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and
- D. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of four hundred (400) linear feet along the same block face (same side of street).

Figure 16.44.090-1 Drive-Up and Drive-Through Facilities



16.44.100 Special standards for solar apparatus.

- The installation and use on a residential structure of a solar photovoltaic energy system or a solar thermal energy system is an outright permitted use in any zone in which residential structures are an allowed use.
- The installation and use on an institutional, commercial or industrial structure of a solar photovoltaic energy system or a solar thermal energy system is an outright permitted use in any zone in which institutional, commercial or industrial structures are an allowed use.
- Approval of solar photovoltaic energy systems or solar thermal energy systems require:
 - Building permit approval only, land use fees and development standards outside of building height do not apply.

2. Roof-mounted solar photovoltaic energy systems or solar thermal energy systems require conformance with peak building height, must be located no higher than eighteen (18) inches off the roof and must be mounted so that the plane of the system is parallel to the slope of the roof.
3. Subsection (C)(2) does not apply to structures that are:
 - a. A federally or locally designated historic building or landmark or structures located in a federally or locally designated historic district.
 - b. A conservation landmark designated by a city or county because of the historic, cultural, archaeological, architectural or similar merit of the landmark or located in an area designated as a significant scenic resource unless the material used is designated as anti-reflective or eleven (11) percent or less reflective.

16.44.120 Design standards for single-family detached housing, duplexes, triplexes, quadplexes and townhomes.

A. Design Standards – Triplexes and Quadplexes

1. Applicability.
 - a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:
 - i. The design standards in subsection (2) of this section (A); and
 - ii. All other clear and objective design standards that apply to single family detached dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (A).
 - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
 - i. Mandates for construction of a garage or carport.
 - ii. Design standards other than those in this section (A) that apply only to triplexes or quadplexes.
 - c. If a triplex or quadplex has been divided by a middle housing land division (per Chapter 16.61), the design standards in this section that are applicable to the lot or applicable on a per-lot basis, shall apply to the middle housing parent lot, not to the middle housing child lot.
2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below.
 - a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and
 - b. Entries must either:
 - i. Face the street (see Figure 16.44.120-1);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 16.44.120-2);
 - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 16.44.120-3); or

- iv. Be sheltered with an overhang, porch/portico, or recessed entry.
 (see Figure 16.44.120-4). The porch must:

Figure 16.44.120-1. Main Entrance Facing the Street

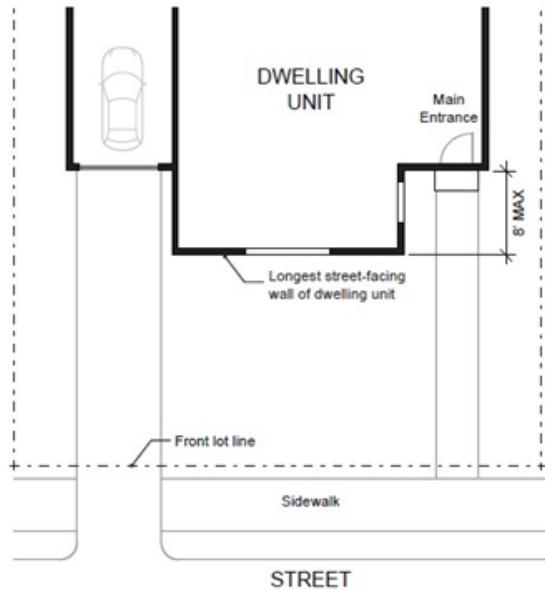


Figure 16.44.120-2. Main Entrance at 45° Angle from the Street

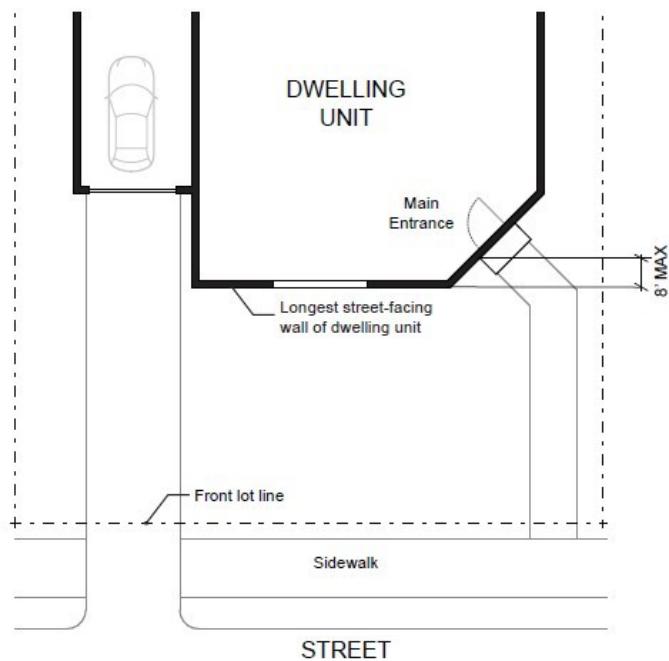


Figure 16.44.120-3. Main Entrance Facing Common Open Space

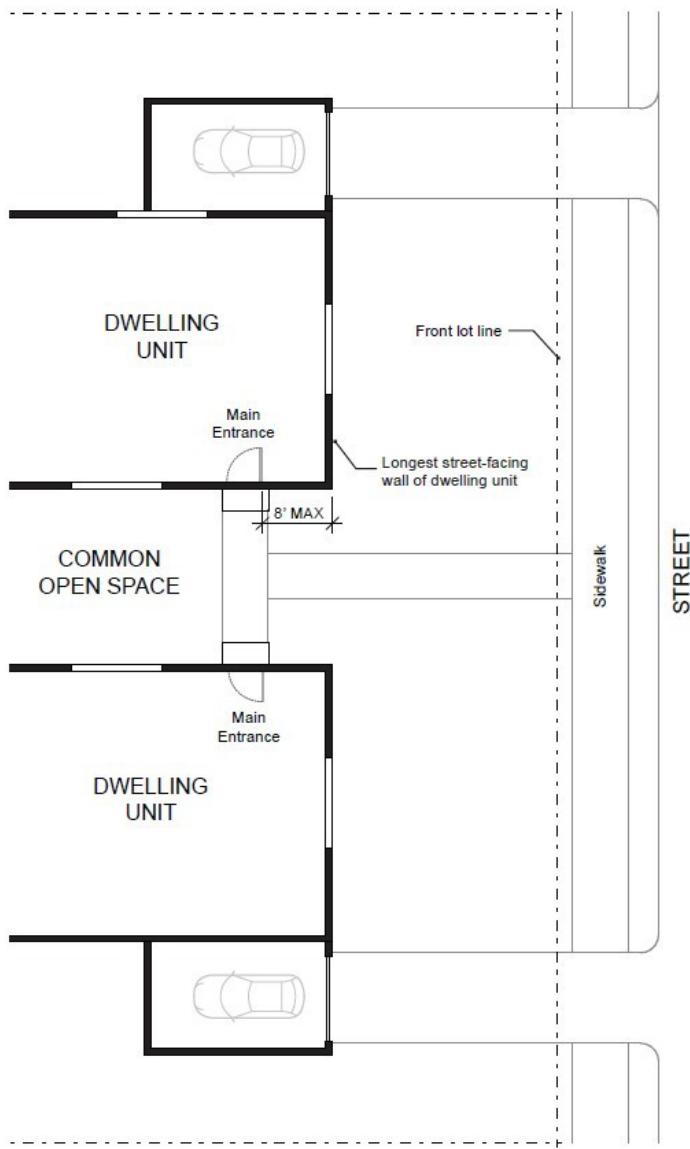
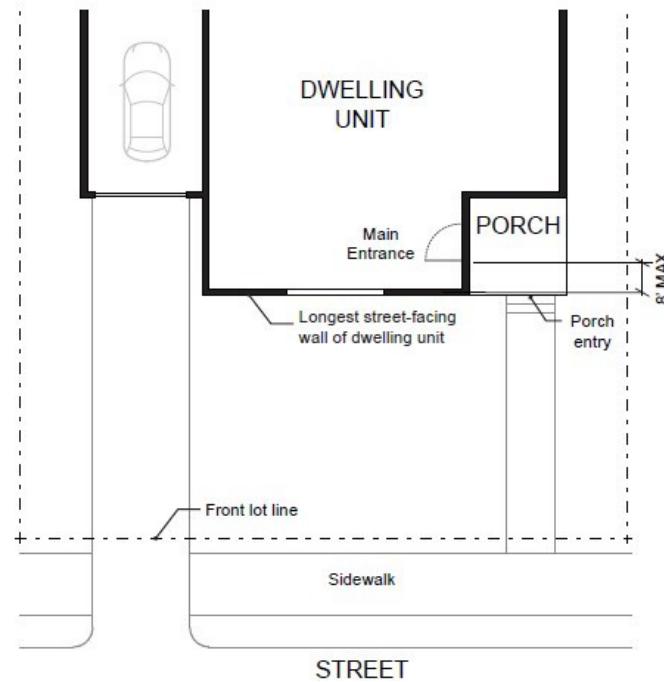


Figure 16.44.120-4. Main Entrance Opening onto a Porch



C. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 16.44.120-5.

Figure 16.44.120-5. Window Coverage



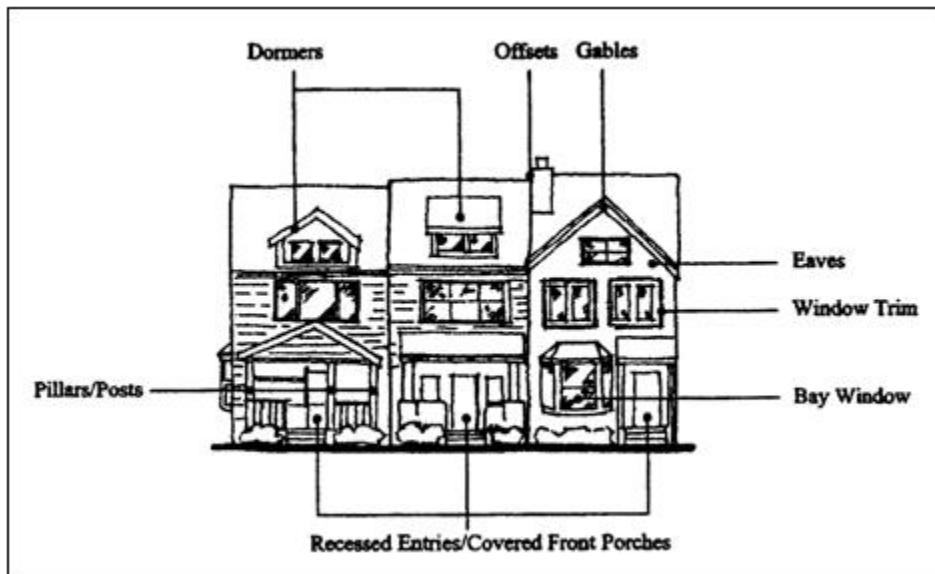
Figure 16.44.120-6. Width of Garages and Parking Areas

B. Design Standards – Townhomes

New townhouses shall meet the design standards in subsections (1) through (4) of this section (B). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - b. Either:
 - i. Face the street (see Figure 16.44.120-1);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 16.44.120-2);
 - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 16.44.120-3); or
 - iv. Be sheltered with an overhang, porch/portico, or recessed entry (see Figure 16.44.120-4).
2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 16.44.120-6):
 - a. A roof dormer, or
 - b. A balcony, or
 - c. A bay window, or
 - d. An offset of the facade, either from the neighboring townhouse or within the façade of a single townhouse, or
 - e. Recessed entry
 - f. A covered entryway, or
 - g. A porch.
 - h. Window trim (minimum four inches wide), or
 - i. Gables, or
 - j. Cupolas or towers, or
 - k. Pillars or posts, or
 - l. Eaves (minimum six-inch projection), or
 - m. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features), or
 - n. Decorative cornices and roof lines (e.g., for flat roofs), or
 - o. An alternative feature providing for visual relief, similar to options a through n.

Figure 16.44.120-6. Townhouse Design Features



3. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 16.44.120-5.

C. Alley Access, Street Access, and Common Area Development and Design Standards

Single-family detached, single-family attached housing (townhome units on individual lots), duplex, triplex, and quadplex developments shall comply with the standards set forth below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. If a duplex, triplex, or quadplex has been divided by a middle housing land division (per Chapter 16.61), the design standards in this section that are applicable to the lot or applicable on a per-lot basis, shall apply to the middle housing parent lot, not to the middle housing child lots.

1. Alley Access Developments. Single-family detached, townhome, duplex, quadplex, and triplex land divisions which receive vehicle access only from a rear alley or other grouped accessways (see Figure 16.44.010-1)-are subject to the following requirements.

- a. Alleys and grouped access shall be created at the time of a land division, in accordance with Chapter 16.63, Land Divisions and Property Line Adjustments, and any other applicable transportation standards.
- b. Dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the access and circulation standards of Chapter 16.41 and the TSP.
- c. As used here, grouped access is not intended to result in consolidated access to front-loaded garages that would not otherwise be allowed by this code.

2. Street Access Developments. If a single-family detached, townhomes, duplex, triplex, or quadplex receive access directly from a public or private street (see Figure 16.44.120-2), the following standards apply in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

- a. One driveway is allowed per frontage. A second driveway may be approved by a City Engineer if it is safe and allows for installation of adequate street trees along the frontage of the site.
- b. Two adjacent properties may share one driveway. When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- c. Residential driveway approach widths shall be limited to half the parcel frontage width, with a minimum approach width of 12 feet and a maximum approach width of 35 feet. A wider approach may be approved by the City Engineer.
- d. Lots and parcels with more than one frontage shall access the street with the lowest street classification in the Transportation System Plan.
- e. Driveways shall comply with the City's access spacing standards.

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

D. Orientation

The street-facing façade shall include the most architecturally significant building elevation and the primary entranceway. Sites with more than one frontage shall orient the most significant building elevation and primary entranceway toward the higher classification roadway.

16.44.130 Design standards for cottage cluster housing

A. Cottage cluster development shall comply with the standards set forth below. The standards are intended to control development scale, provide for common areas within cottage cluster developments, and ensure consistency with state requirements for cottage cluster housing. If the cottage cluster has been divided by a middle housing land division (per Chapter 16.61), the design standards in this section that are applicable to the lot or applicable on a per-lot basis, shall apply to the middle housing parent lot, not the middle housing child lots.

1. General Standards.

a. Number of Dwellings.

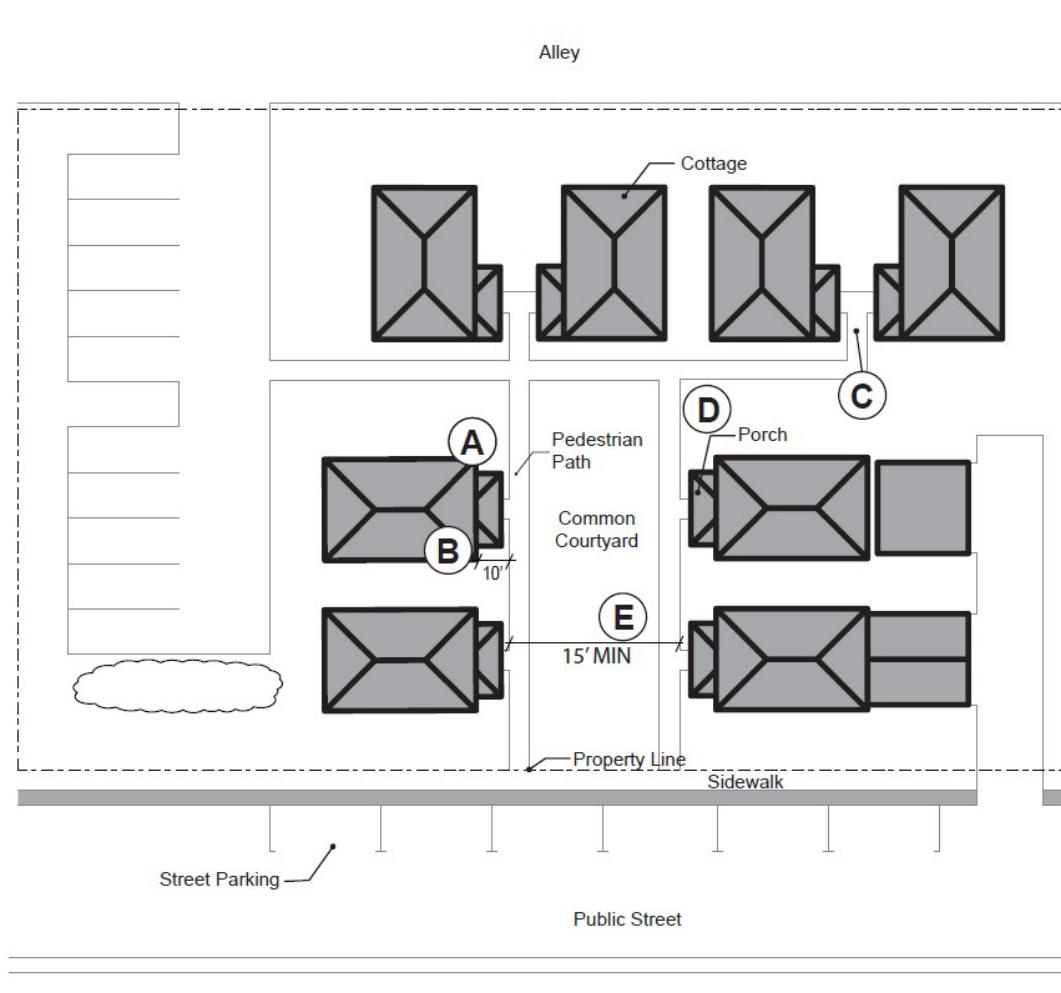
- i. A single cottage cluster shall contain a minimum of 4 and a maximum of 8 cottages oriented around a common courtyard.
 - ii. All cottages within a single cottage cluster must share a common courtyard.
 - iii. A cottage cluster project may include more than one cluster with more than one associated common courtyard. There is no limit to how many cottage clusters are permitted on a single lot.
- b. *Setbacks.*
- i. *Building Separation.* Cottages shall be separated by a minimum distance of 6 feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
 - ii. All other setbacks are provided in Tables 16.22.020-2, 16.22.030-2, 16.22.040-2, and 16.22.050-2.
- c. *Building Height.* The maximum building height for all structures is 25 feet.
- d. *Footprint.* The building footprint for each cottage shall be less than 900 square feet.
- e. *Maximum Floor Area.*
- i. *Floor Area.* The maximum permitted floor area of each cottage is 1,400 square feet.
 - ii. *Average Floor Area.* The maximum average floor area permitted for a cottage cluster is 1,000 square feet per cottage. Community buildings shall be included in the average floor area calculation for a cottage cluster.
- f. *Accessory Buildings.* Accessory buildings must not exceed 400 square feet in floor area.

2. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 16.44.130-1 Cottage Cluster Orientation and Common Courtyard Standards):

- a. Each cottage within a cluster must either abut the common courtyard or must be connected to it by a pedestrian path. This standard may not be adjusted.
- b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;

- ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
- c. Cottages within 20 feet of a property line abutting a street may have their entrances facing the street.
- d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is connected to the common courtyard.

Figure 16.44.120-1. Cottage Cluster Orientation and Common Courtyard Standards



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

3. *Common Courtyard Design Standards.* Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 16.44.130-1. Cottage Cluster Orientation and Common Courtyard Standards):

- a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 50 percent of the total common courtyard area.
 - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
4. *Community Buildings.* Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or picnic shelters. Community buildings must meet the following standards:
- a. Each cottage cluster is permitted one community building.

- b. The community building shall have a maximum floor area of 1,400 sf. In addition, the community building shall count towards the maximum average floor area of the cottage cluster, pursuant to subsection 16.44.120(1)(e)(ii).
- c. A community building that meets the definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages (pursuant to subsection 16.44.120(1)(d), unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

5. *Pedestrian Access.*

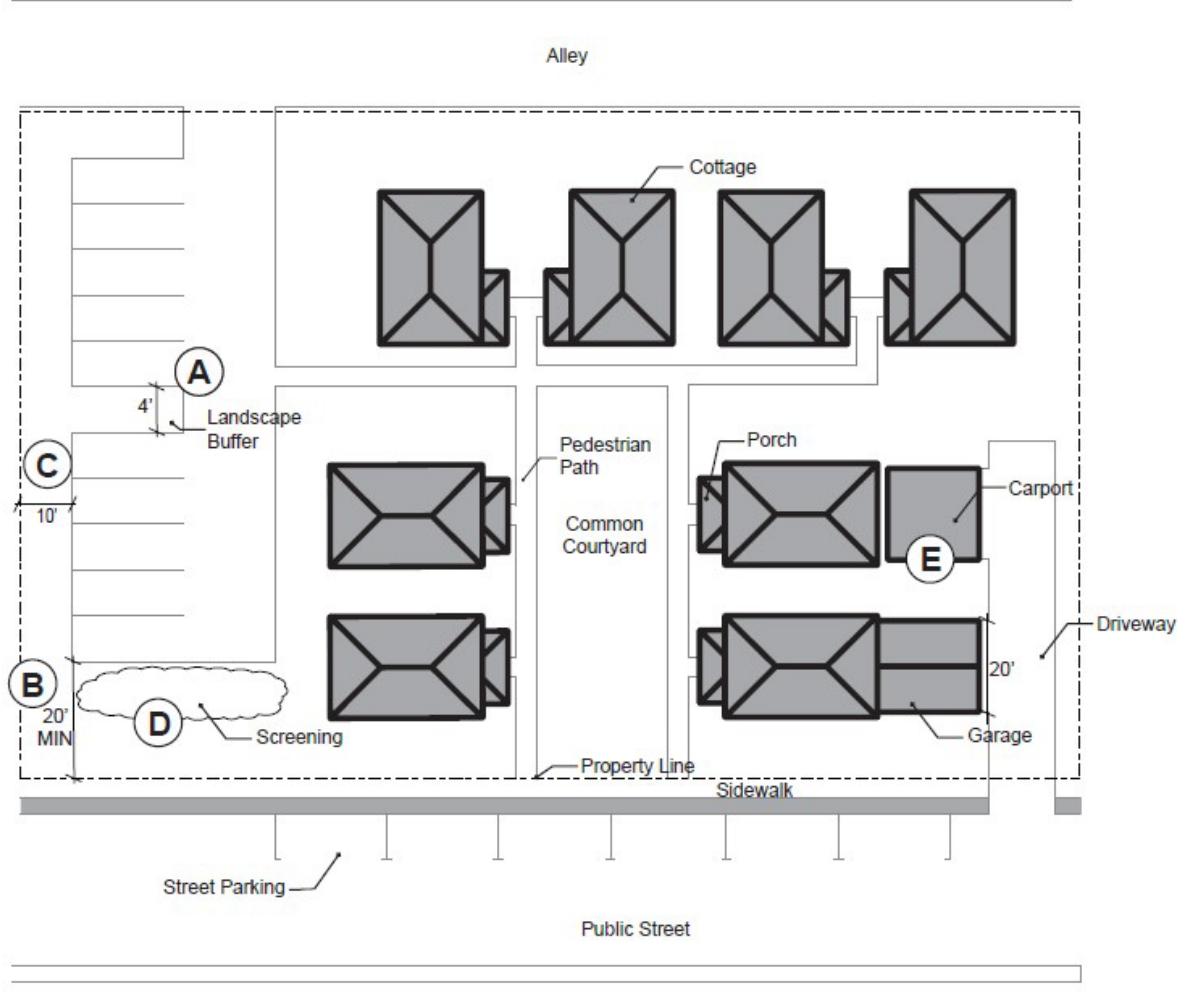
- a. A pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of 4 feet wide.

6. *Parking Design* (see Figure 16.44.130-2. Cottage Cluster Parking Design Standards).

- a. *Clustered parking.* Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects are permitted parking clusters of not more than 8 contiguous spaces.
 - ii. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - iii. Clustered parking areas may be covered.
 - iv. Parking areas must also meet the standards in Section 16.43.030 of this code, except where they conflict with these standards.
- b. *Parking location and access.*

- i. Off-street parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley;
 - ii. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street (other than an alley) and the front façade of cottages located closest to that property line.
 - iii. No off-street parking space is permitted within 10 feet of any other property line external to the cottage cluster, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of other external property lines.
 - iv. Driveways must meet the access connection standards in Section 16.41.030 of this code.
- c. *Screening*. Sight-obscuring landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and property lines external to the cottage cluster.
- d. *Garages and carports*.
- i. Garages and carports (whether shared or individual) must not abut more than 25 percent of a common courtyard's perimeter.
 - ii. Individual detached garages must not exceed 400 square feet in floor area.
 - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

Figure 16.44.130-2. Cottage Cluster Parking Design Standards



- (A) Parking allowed in clusters of up to 5 spaces (8 spaces for larger projects). Clusters separated by minimum 4 feet of landscaping.
- (B) Parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley.
- (C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

7. *Existing Structures.* On a lot or parcel to be used for a cottage cluster project, an existing single detached dwelling and accessory uses and buildings on the same lot at the time of proposed

development of the cottage cluster may remain within the cottage cluster project area under the conditions in a – e below.

- a. The existing dwelling may be nonconforming with respect to the requirements of this Section 16.72.020 of this code.
- b. The existing dwelling may be expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet; however, existing dwellings that exceed these maximum height and/or footprint standards may not be expanded.
- c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
- d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.44.020(2)(b).
- e. The existing dwelling(s) shall count as a unit in the cottage cluster.

Chapter 16.45 SIGNS

16.45.010 Purpose.

This section regulates the erection, placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

- A. Purpose.
 1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
 2. Maintain the effectiveness of traffic signs;
 3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
 4. Maintain and enhance the scenic and other aesthetic qualities of the City.
- B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this section, except for the following: Signs inside a building, except for strobe lights, floating lights, or neon lights visible from a public right-of-way, private road or other private property.

16.45.020 Permit required.

- A. Permit Required. No sign shall be erected, constructed, maintained, modified, or relocated, except as provided by this section. This permit requirement applies to all signs, except those

specifically exempt by a provision of this section and signs existing on the date of adoption of this Zoning Ordinance, which shall be subject to subsection D of this section.

B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the Sign Official. A permit application fee shall accompany the application for it to be processed by the City. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the City Council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with the Happy Valley Municipal Code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety (90) days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

C. A separate sign permit application shall be submitted for each sign erected, constructed, modified, relocated, replaced, face changed or structurally altered and for sign repair that includes these activities. Sign maintenance requires no permit. All proposed work on a sign shall be shown in the sign permit application.

D. When required by the Uniform Building Code or the Building Official, a separate building permit shall be obtained from the City for the erection, construction, modification, relocation, replacement, change of sign face or alteration of a sign or sign structure.

E. When required by the State Electrical Code or the Building Official, an electrical permit shall be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of signs shall meet the applicable electrical standards as shown by certification from those testing laboratories approved by the State of Oregon meeting the testing standards for electrical safety as required by Oregon Revised Statutes 479.510-479.855 and Oregon Administrative Rule 918-330-000, as constituted on the effective date of the ordinance codified in this Code or as may hereafter be amended.

F. Building and electrical permits shall be applied for in accordance with the procedures of the issuing agency, provided such permits are not issued until a sign permit has been issued.

G. The Planning Official or designee may require that a sign permit application be submitted for each sign on a property required to have a permit, if no permit for such sign has been previously issued.

H. Appeals. A person aggrieved by a decision of the Sign Official may appeal the decision to the Hearings Officer. The appeal shall be in writing and be received by the City Recorder no later than ten (10) days after the date the challenged decision is final.

16.45.030 Sign permit process.

A. A person may apply for a sign permit and any required building permit and/or electrical permit concurrently. A decision on the sign permit shall be issued first, followed by a decision on the related building or electrical permits.

B. A sign permit application form, checksheet and instruction sheet shall be established by the Sign Official. Sign permit applications which do not provide the information required by this Code, the application form, checksheet and instruction sheet may be rejected by the Sign Official. The Sign Official shall determine if an application provides the required information.

C. A complete sign permit application shall be submitted to and reviewed by the Sign Official or designee. The application is not complete unless the application fee is submitted with the application. The application shall be approved, approved with conditions or denied by the Planning Official or designee. An application for a sign that is erected prior to submitting the application and does not meet the requirements of this chapter shall be denied.

D. Where a sign permit is required, a sign contractor registered with the State of Oregon Construction Contractors Board shall be the applicant. A person, other than the registered sign contractor, may deliver and submit the application to the Planning Official or designee. The application shall contain or include the following information:

1. Completed sign application form;
2. Payment of fee;
3. Three site plans (8-1/2" x 11") to scale. Site plans shall show the following information:
 - a. Placement of sign on property,
 - b. Setbacks of sign from property line,
 - c. Indicate any easements;
4. Three drawings (8-1/2" x 11") of sign to scale. Drawings shall include:
 - a. Size of lettering,
 - b. Dimensions of sign (height and width),
 - c. How the sign will be mounted or affixed.

E. After a complete sign permit application has been submitted and accepted, the applicant may request in writing that the application be withdrawn. The Planning Official or designee may return the application, and reimburse the application fee, less compensation for any work that has already been completed.

F. If the work authorized by the sign permit is not completed within ninety (90) days after the date of the sign permit issuance, the permit shall expire and be null and void. Upon written request of the applicant, submitted to the Planning Official or designee prior to the expiration date, one ninety (90) day extension of the sign permit approval may be granted by the Planning Official or designee if there have been no amendments to the specific sign regulations that applied to the proposed sign at the time the sign permit was first approved. The Planning Official or designee's decision shall be in writing and mailed to the applicant.

G. The Planning Official or designee may revoke any sign permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application, the materials submitted as a part of the application, or both.

H. The Planning Official or designee may issue a sign permit, if a sign permit is required, to erect a temporary sign on a property with no building, provided the proposed temporary sign meets all applicable regulations.

- I. The Planning Official or designee shall not issue a sign permit to erect a permanent sign, or to change a sign face on an existing permanent sign, on an unoccupied building.

16.45.040 Variances.

Variances to the standards of this chapter shall be processed in accordance with Chapter 16.71, Variances. Applications for variances shall be submitted at the same time as an application for a sign permit, and the applications shall be reviewed concurrently.

16.45.050 Prohibited signs.

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this section:

- A. Billboards;
- B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;
- C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices and “readerboard” signs less than twenty-four (24) square feet in size as authorized by this chapter;
- D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a State highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;
- E. A sign in excess of three square feet, located upon a tree, or painted or drawn upon a natural feature;
- F. An obsolete sign;
- G. Permanent inflatable signs (including “blimp” type signs typically extended from a building roof), permanent streamers, balloons, hulas, flags, banners, pennants, etc., or vehicle mounted signs, excepting traditional holiday decorations or temporary signs pursuant to the provisions of this chapter;
- H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
- I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction. This shall include signs placed on utility poles located within public right-of-way;
- J. A sign not able to withstand a wind pressure of twenty (20) pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;
- K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;
- L. Any sign larger than four square feet on an undeveloped lot or parcel of property other than temporary signs as provided by this chapter;

- M. A sign not otherwise in compliance with any provision of this Code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;
- N. Signs with rotating or moving parts or any portion thereof designed to move unless specifically allowed by the provisions of this chapter;
- O. Electronic display signs or readerboards, including any video display board of television quality in which the rate of change is electronically programmed that exceed twenty-four (24) square feet in size. Electronic readerboards of any size are prohibited in residential zones unless authorized by a conditional use permit;
- P. Signs with exposed lighting or neon tubes on the sign face in residential zones;
- Q. Roof signs;
- R. Signs with light intensity in excess of the standards of the sign industry, as provided by the Oregon Electric Sign Association;
- S. Hazards. No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.

16.45.060 Signs not requiring a permit.

- A. In any commercial or industrial zoning district, the following signs may be placed and maintained without a permit, so long as they comply with all applicable provisions of this section:
 1. A single, temporary or permanent sign per street frontage where the display surface area does not exceed six square feet per sign face;
 2. Window signs, up to nine square feet, situated on the indoor side of a window or door;
 3. Signs attached to, or carried by, a person;
 4. Signs required by law or legal action, including, but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- B. In any residential or institutional zoning district, the following signs may be placed and maintained without a permit, so long as they comply with all applicable provisions of this section and are not illuminated:
 1. Signs required by law or legal action including, but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs; and
 2. Four temporary signs where the display surface area does not exceed six square feet per sign face and sign height does not exceed six feet. A person or entity selling a property or advertising a public election shall remove temporary signs twelve (12) days within the closing of the sale, all other temporary signs shall be removed twelve (12) days after placement.

16.45.070 General provisions.

- A. Location. Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for

public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees.

B. Vision Clearance Area. Signs may be located in the vision clearance areas provided they do not extend into the space between thirty (30) inches and ten (10) feet in height measured from the top of the curb. When no curb is present, measurements shall be taken from the established centerline grade. The following shall be exempt from the clear vision areas:

1. Light and utility poles with a diameter less than two inches;
2. An existing tree, trimmed to the trunk, twelve (12) feet above the curb;
3. Official warning or street sign.

C. Pedestrian Clearance Area. Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least ten (10) feet from the surface of the walkway or path to the lowest portion of the sign.

D. Signs Incorporated into Fences. Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.

E. Copy. Copy shall be placed only on the sign face.

F. Dedication of Right-of-Way. Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.

G. Illumination.

1. Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from public right-of-way or from properties in residential planning districts.
2. Neon lighting is the only permitted lighting for direct illumination. Neon, incandescent and fluorescent lighting are permitted for indirect or internal illumination.
3. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from eight hundred (800) milliampere fluorescent light sources spaced not closer than eight inches on center.

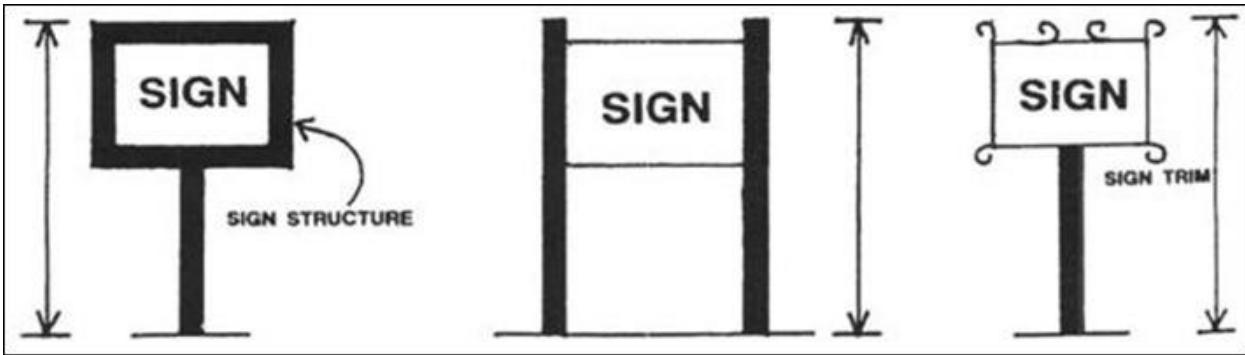
H. Sign Maintenance and Repair. All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired, or removed.

16.45.080 Measuring signs and building/structure elevation.

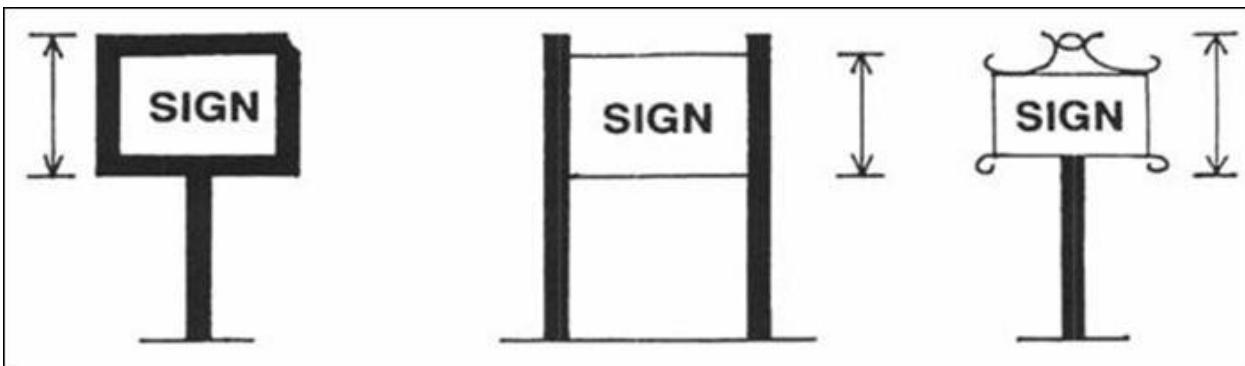
The diagrams provided in this section are intended for illustration only. For purposes of this section, signs and building or structure elevations shall be measured as follows:

A. Freestanding Pole Signs.

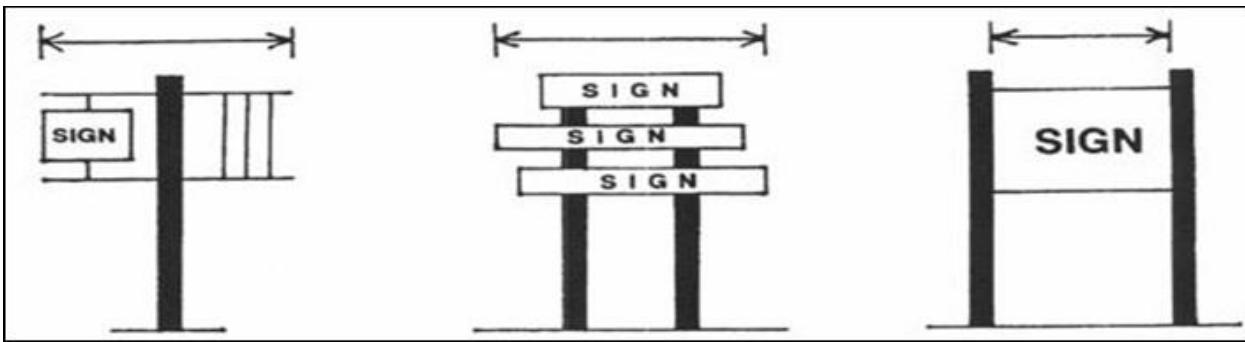
1. Height of Sign. The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projections, decoration or trim of the sign face structure or pole.



2. Height of Sign Face. The measurement shall be from the lowest point to the highest point of the sign face, including the sign face structure and any projection, decoration or trim of the sign face or structure.

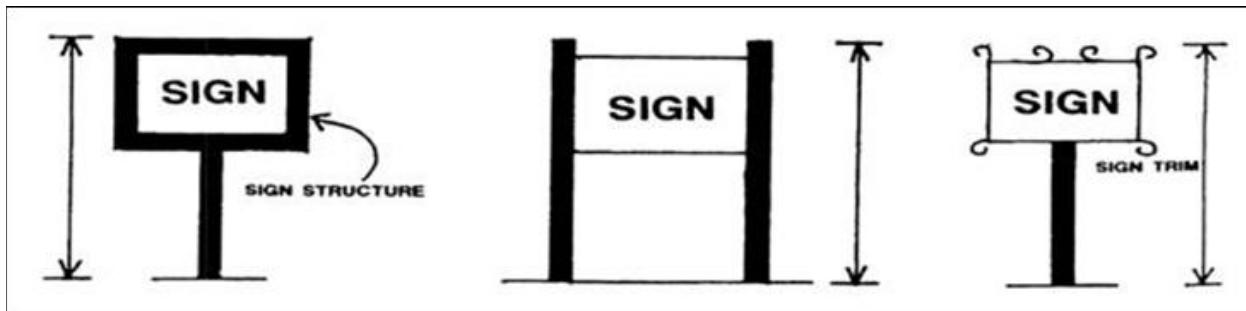


3. Width of Sign Face. The measurement shall extend from the outer edges side to side and include the structure projection, decoration or trim of the sign face or structure, but not the supporting pole.

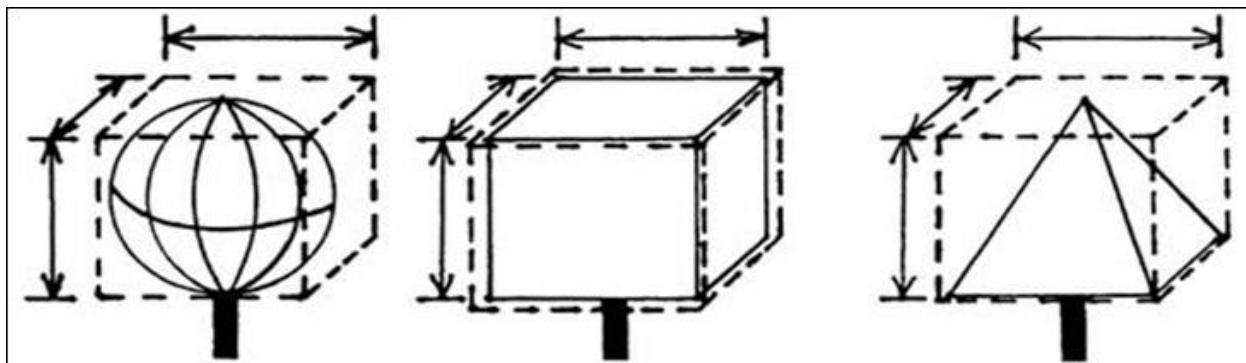


4. Sign Face Area, Single and Double-Sided Signs. Only one side of a sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face and any direct illumination on the sign pole, within not more than three

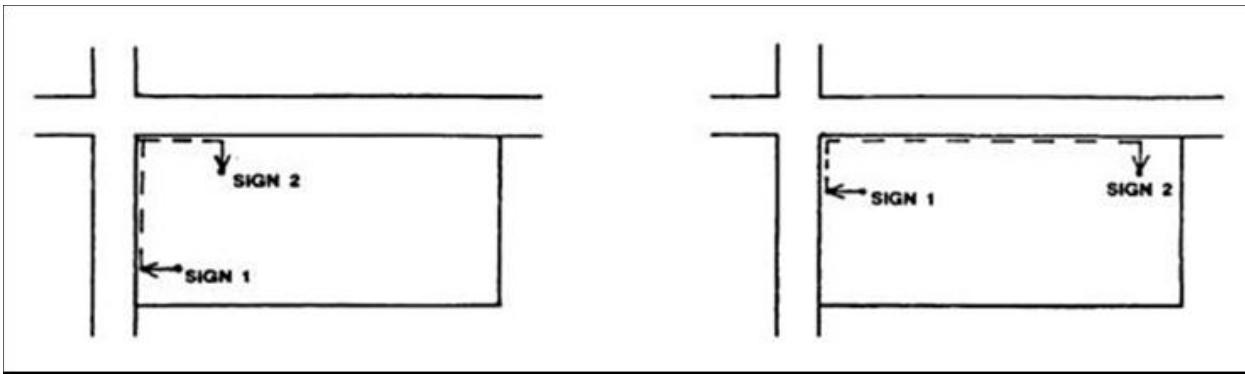
squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.



5. Sign Face Area for Signs With More Than Two Sides (Multifaceted Signs). The measurement shall enclose the sign faces and structures, including any projection, decoration or trim of the sign faces and structures and any direct illumination of the sign pole, within a square or rectangle and summing the area of the six sides.

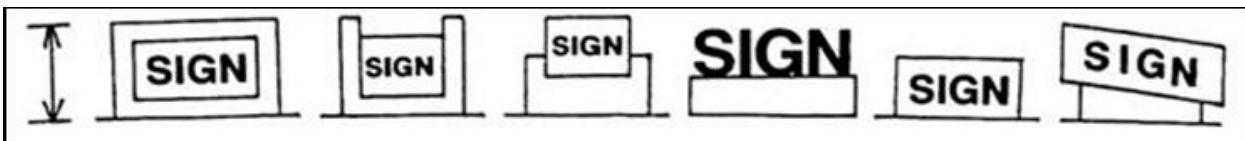


6. On-site Separation Between Signs. When freestanding signs are required to be separated by a specific distance from each other, the distance shall be measured beginning at the center of the footprint of one sign, then measuring by the shortest route to the nearest property line, then along the property line to the point on the property line nearest to the second sign and then by the shortest route to the center of the footprint of the second sign. If the above directions result in two or more different measurements, the shortest shall be used.

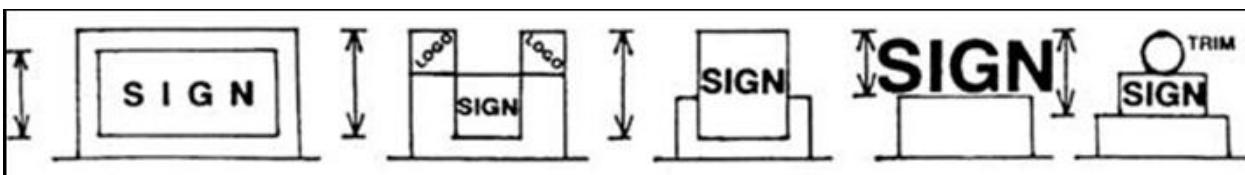


B. Freestanding Monument Signs.

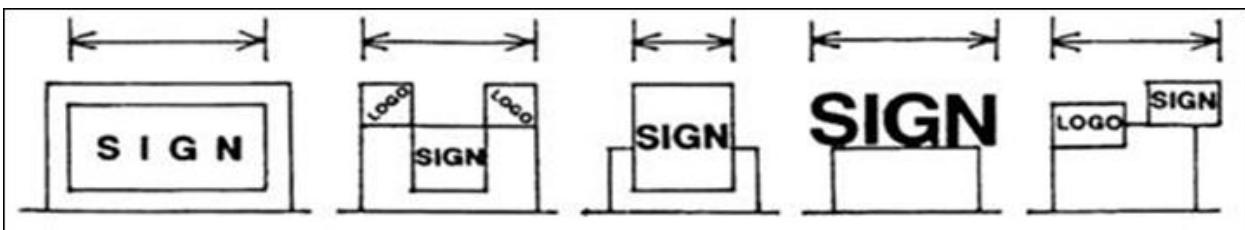
1. Height of Sign. The measurement shall be from the grade to the highest point of the sign, including the sign face, structure and any projection, decoration or trim of the structure.



2. Height of Sign Face. The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration or trim of the sign face.

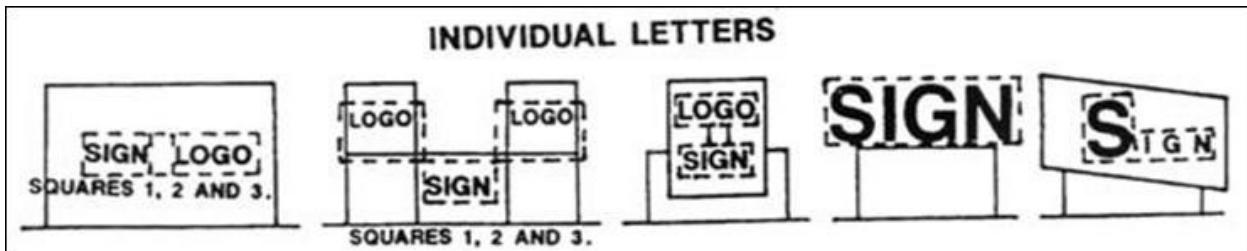
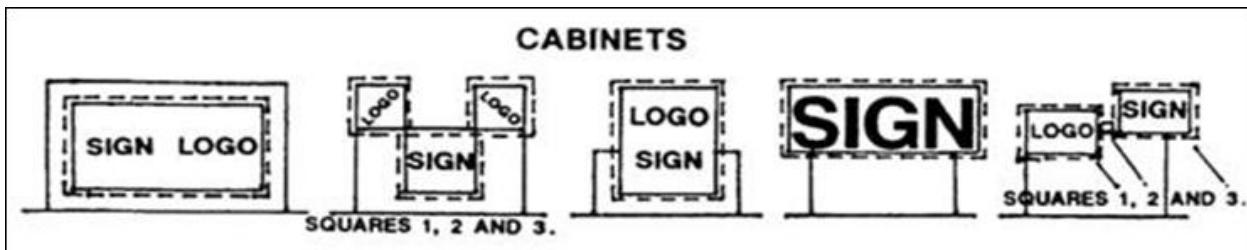


3. Width of Sign Face. The measurement shall be from the outer edges side to side and include any projection, decoration, or trim of the structure.

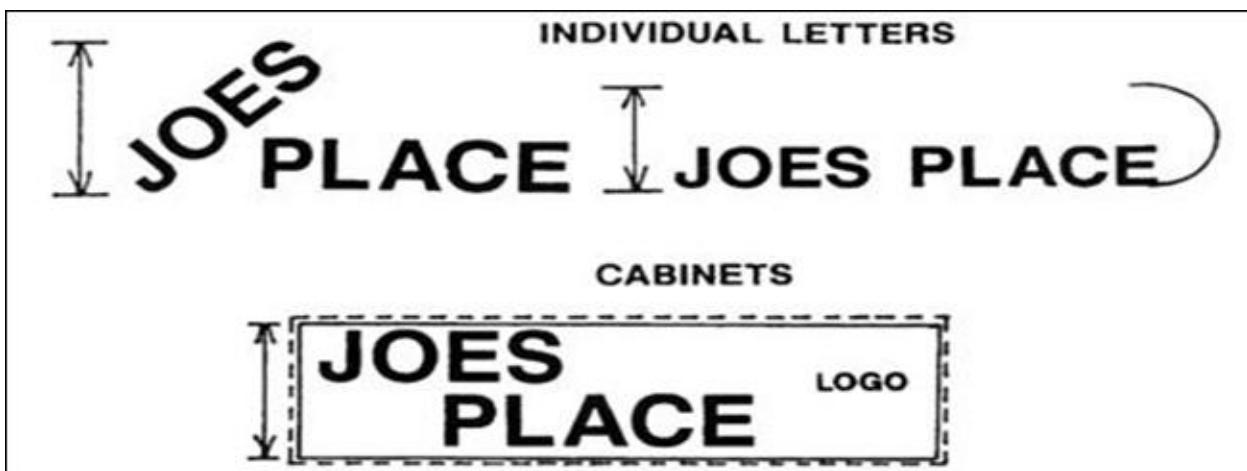


4. Sign Face Area. Only one side of the sign shall be measured. When the sides of a double-sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face, within not more than

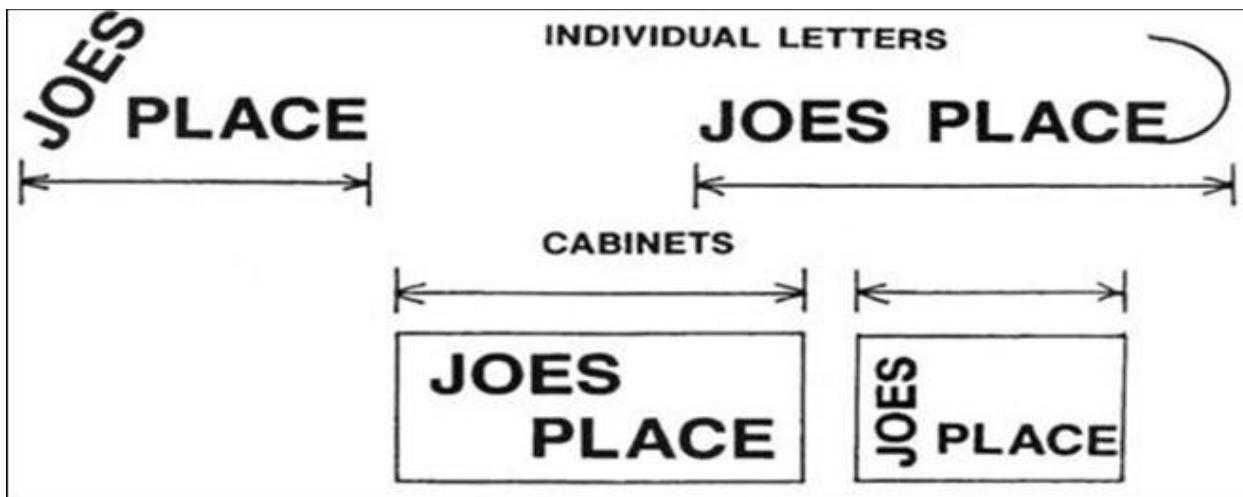
three squares or rectangles may be rotated. The minimum dimensions of a square or rectangle connecting two sign faces is one foot.



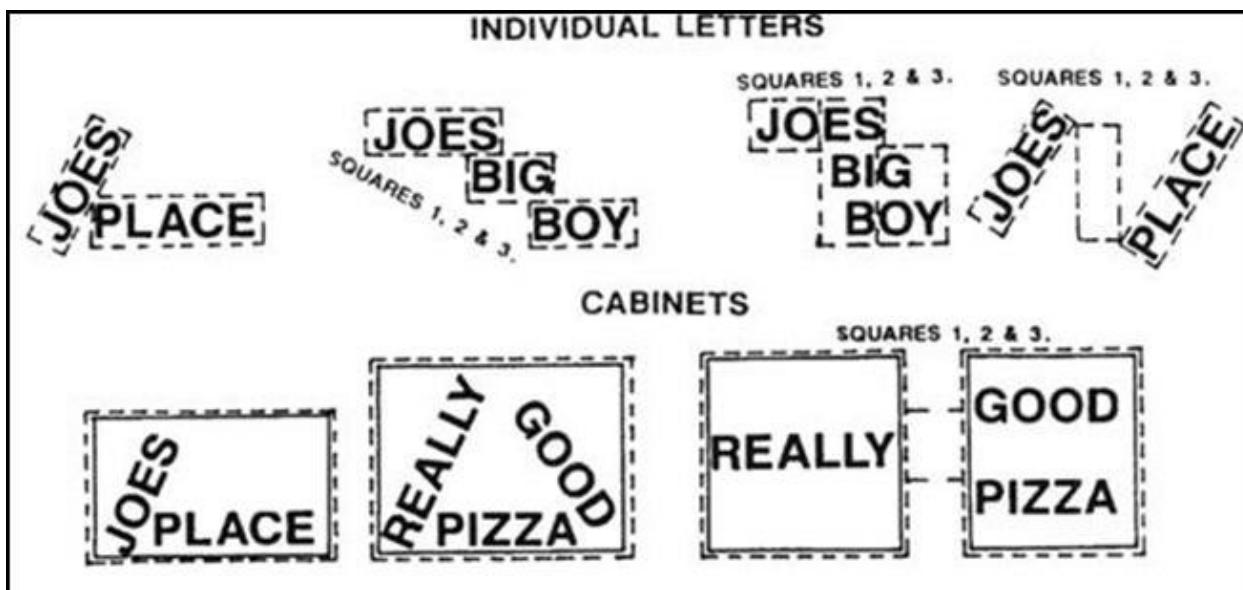
5. On-site Separation Between Signs. See Section A.6 above.
- C. Wall Signs.
 1. Height of Sign Face. The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration, individual letters, cabinet or trim of the sign face.



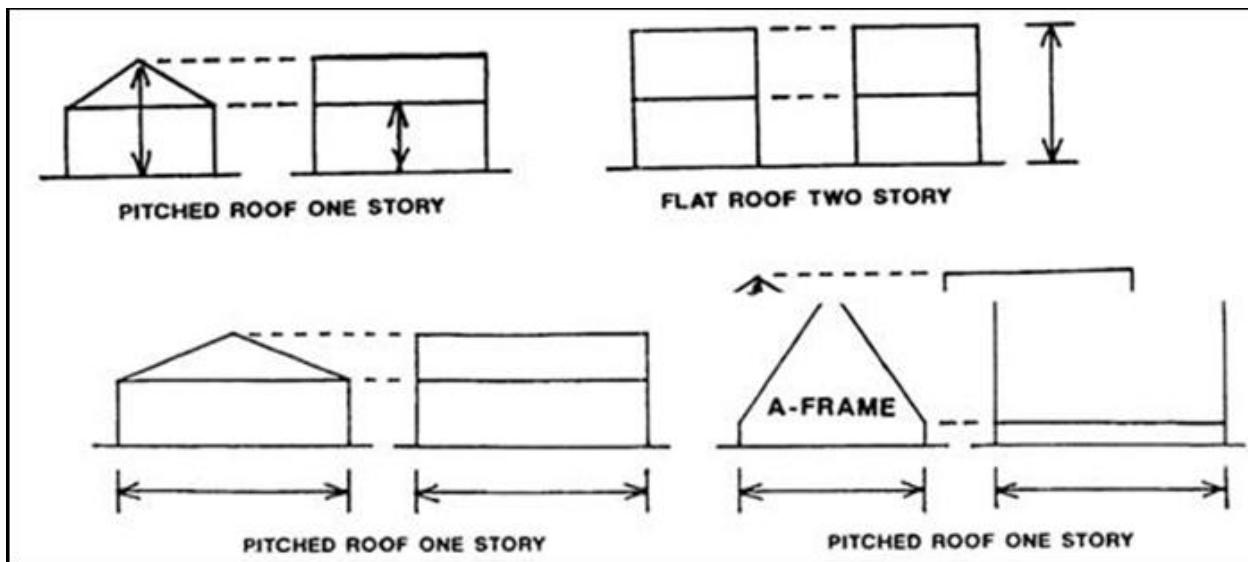
2. Width of Sign Face. The measurement shall extend from the outer edges side to side and shall include any projection, decoration or trim of the sign face.



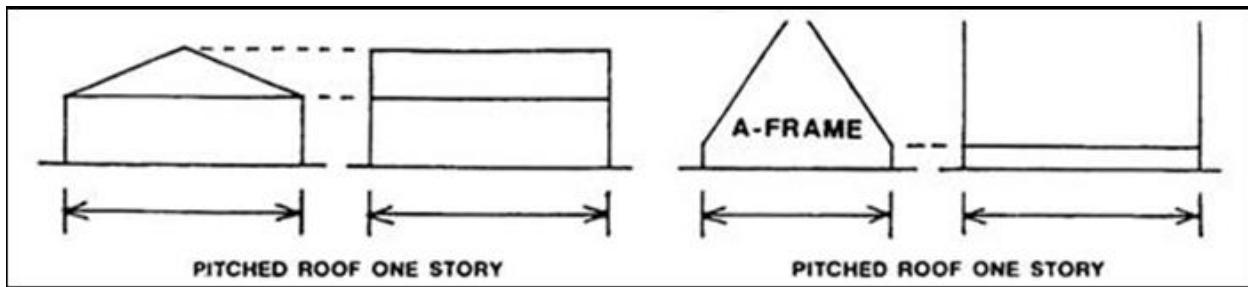
3. Sign Face Area. The measurement shall enclose the sign face, including any projections, decoration or trim of the sign face, within not more than three squares or rectangles or both which touch and sum of the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.



4. Building and Structure Elevations. The measurement shall be of the tenant's owned or leased wall and from the perspective of an architectural elevation.
5. Height of Elevation. The measurement shall be from the grade to the highest point, except flagpoles and similar spires, of the building or structure wall, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them as shown below.



6. Width of Elevation. The measurement shall be from the outer edges side to side, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them. The following figures illustrate the methods.



16.45.090 Signs in residential zones.

A. Signs Allowed. In the MUR, VTH, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-40 zones, the following signs are allowed:

1. Monument Signs.
 - a. The sign shall be a permanent monument sign.
 - b. Signs are only allowed in a recorded subdivision that has been given approval through the planning process of the City of Happy Valley.
 - c. Signs shall be located on private property, at a subdivision entrance or on a private tract median island within the public right-of-way.
 - d. Only one sign per public street entrance is allowed.
 - e. No more than two sides are allowed.

- f. Signs shall not extend any higher than six feet above grade, unless located in a private median tract, in which case the height shall not exceed two and one-half feet. In all cases, signs shall comply with the clear vision requirements.
 - g. When a sign is located in a private median tract, the width of the sign shall not exceed fifty (50) percent of the width of the median measured from curb to curb or, where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.
 - h. Sign face area shall not exceed sixty (60) square feet. Sign area shall not exceed twenty (20) feet in length and six feet in height.
 - i. Indirect illumination is allowed, unless the sign is located in a median, in which case no illumination is allowed.
 - j. There shall be a minimum of one hundred (100) feet separation from other subdivision signs and all other permanent signs, with the exception of directional signs.
 - k. All required permits shall be obtained prior to placement of sign.
2. Temporary Signs.
 - a. Temporary signs shall not be internally or externally illuminated.
 - b. Temporary signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs (please see definitions section for description).
 - c. Temporary signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation.
 - d. Temporary signs shall not be attached to fences, trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractible character to motorists of any such device or the cumulative effect of all such devices.
 - e. Temporary signs shall not exceed thirty-two (32) square feet.
 - f. Only one temporary sign advertising a residential development shall be allowed.
 - g. The Sign Official shall establish a timeframe for placement for each temporary sign approved at the time of permit issuance.
 - h. All required permits shall be obtained prior to placement of signs.

16.45.100 Signs in institutional and public use (IPU) zone.

- A. Signs Allowed. In the IPU zone the following signs are allowed.
 1. Freestanding Signs.
 - a. Freestanding signs shall be supported by no more than two poles, posts, columns, or similar supports. Guy wires and similar stabilization methods are not permitted.
 - b. The poles, posts, columns, or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

- c. The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).
 - d. The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be no wider than twenty-five (25) percent of the sign face's width.
 - e. The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).
 - f. No portion of a freestanding pole sign shall extend on or over a building.
 - g. The surface display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face.
 - h. The faces of two-sided pole signs shall be parallel to each other.
 - i. All required permits shall be obtained prior to placement of sign.
 - j. One freestanding sign per street frontage is allowed, provided no monument sign exists along the same frontage.
2. Monument Signs.
- a. Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.
 - b. No more than two sides are allowed.
 - c. Signs shall not extend any higher than six feet above grade.
 - d. Signs shall not exceed sixty (60) square feet in area.
 - e. Only indirect or internal illumination is allowed.
 - f. Signs shall be placed in accordance with the clear vision area.
 - g. All required permits shall be obtained prior to placement of sign.
 - h. One monument sign per street frontage is allowed, provided no freestanding sign exists along the same frontage.
3. Wall Signs.
- a. Display surface area shall not exceed two square feet for each lineal foot of the wall on which the sign is erected.
 - b. One sign per each owned or leased wall is permitted. This shall not exceed four walls of a building.
 - c. No more than one side is permitted for each sign.
 - d. Indirect or internal illumination is permitted.
 - e. All required permits shall be obtained prior to placement of sign.
4. Readerboard Signs.
- a. Readerboard signs are allowed in an IPU zone as a part of another sign. The Sign Official may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the method by which the message is changed in order to assure compliance with the standards of this section and this chapter.

- b. Readerboard signs shall not exceed twenty-four (24) square feet in size. The readerboard and associated sign shall not exceed the total allowable sign area for the IPU district.
 - c. The design and placement of the readerboard and associated sign shall not adversely affect vehicular or pedestrian safety.
 - d. The readerboard and associated sign shall comply with all other requirements of this chapter.
 - e. Temporary signs shall not exceed thirty-two (32) square feet.
5. Height. The height of any sign in an IPU district shall not exceed ten (10) feet above grade, plus five feet for each two hundred (200) feet, or portion thereof, of street frontage. In no event shall any sign exceed fifteen (15) feet in height.
- B. Signs Exempt. In the IPU zone, “gateway” signs erected by the municipal government are exempt from area and height restrictions.

16.45.110 Signs in mixed-use zones and commercial zones.

- A. Signs Allowed. In mixed-use, commercial and industrial zones, the following signs are allowed:
 - 1. Wall Signs.
 - a. Single-Story Structures.
 - i. Display surface area shall not exceed ten (10) percent wall coverage. There is no limit on the number of signs allowed if within the total permitted wall coverage limit.
 - b. Single-Story Structures with Multiple Tenants or Businesses.
 - i. Display surface area shall not exceed two square feet for each lineal foot of the wall on which the sign is erected;
 - ii. One sign per each owned or leased wall is permitted. This shall not exceed four walls of a building;
 - iii. Indirect or internal illumination is permitted;
 - iv. All required permits shall be obtained prior to placement of sign.
 - c. Total signage for multi-story structures containing single or multiple businesses shall be limited to ten (10) percent wall coverage. There is no limit on the number of signs allowed if within the total permitted wall coverage limit.
 - 2. Freestanding and monument signs, so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One sign shall be permitted for each street frontage of premises, provided minimum lot frontage of thirty (30) feet is met. No sign shall be permitted on the same frontage where there is a projecting or roof sign. Signs on the same premises but on different frontages shall be separated by a minimum of fifty (50) feet distance.
 - b. Area.

- i. Where the street frontage is less than fifty (50) feet, the maximum display surface area shall not exceed fifty (50) square feet, with twenty-five (25) square feet maximum area per sign face;
 - ii. Where the street frontage is greater than fifty (50) feet but less than two hundred (200) feet, surface display area shall not exceed one hundred (100) square feet, with fifty (50) square feet maximum area per sign face;
 - iii. Where the street frontage is two hundred (200) feet or greater, the surface display area shall not exceed two hundred (200) square feet, with a maximum area of one hundred (100) square feet per sign face;
 - iv. In no case shall any sign have a surface display area in excess of two hundred (200) square feet.
- c. Projection. Freestanding signs shall not project over a public right-of-way.
 - d. Clearance. A minimum clearance of ten (10) feet from grade shall be maintained over pedestrian or vehicular areas, fourteen (14) feet over areas of truck access.
 - e. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty (20) feet for any freestanding sign.
 - f. Height. The height of any freestanding or monument sign shall not exceed ten (10) feet above grade, plus one foot per ten (10) feet of street frontage, or portion thereof, in excess of two hundred (200) feet abutting the sign location. In no event shall any sign exceed fifteen (15) feet in height
 - g. Illumination. Indirect or internal illumination is permitted.
3. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
- a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a freestanding sign.
 - b. Area. Sign area shall not exceed sixteen (16) square feet per sign face, with total area of all faces not to exceed thirty-two (32) square feet.
 - c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.
 - d. Vertical Dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
 - e. Clearance. A minimum clearance of eight feet from grade shall be maintained over pedestrian areas, ten (10) feet from grade over vehicular areas and fourteen (14) feet over areas of truck access.
 - f. Separation. The minimum distance from another projecting sign shall be twenty (20) feet in the same horizontal plane.

- g. Projecting Signs on Other Project Structures. Awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the Building Code Official, may extend beyond the limits for projecting signs. Projecting signs on such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet.
4. Readerboard Signs.
- a. Readerboard signs are allowed in mixed use and commercial zones as a part of another sign or as a stand-alone window sign. The Sign Official may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the method by which the message is changed in order to assure compliance with the standards of this section and this chapter.
 - b. Readerboard signs that are part of an accompanying sign shall not exceed twenty-four (24) square feet in size. Readerboard signs located within window areas shall not exceed ten (10) square feet in size. The readerboard and associated sign shall not exceed the total allowable sign area for the underlying mixed use or commercial zoning district, a window readerboard sign combined with any other signage shall not exceed the building face signage square-footage allowed by this chapter.
 - c. The design and placement of the readerboard and any associated sign shall not adversely affect vehicular or pedestrian safety.
 - d. The readerboard and any associated sign shall comply with all other requirements of this chapter.

16.45.115 Temporary commercial signs and political signs.

- A. Temporary commercial signs may include board signs, canvas signs, plastic signs, inflatable signs, banners, flags, balloons, pennants, streamers, etc., subject to the following:
1. Temporary commercial signs shall not be internally or externally illuminated.
 2. Temporary commercial signs shall not be located or extend into or over public right-of-way or into the clear vision area with the exception of special event banner signs as defined in this title.
 3. Temporary commercial signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation.
 4. Temporary commercial signs shall not be attached to trees, shrubbery, utility poles or like items. They shall not obstruct or obscure primary signs or adjacent premises. They shall not create a traffic hazard because of distractive character to motorists.
 5. Temporary commercial signs shall range in size from greater than six square feet to a size not to exceed thirty-two (32) square feet in size.
 6. The Sign Official shall establish a timeframe for placement of each temporary commercial sign approved. Approval periods shall not exceed sixty (60) days in one calendar

year. The sign shall be removed at the end of the approval period. Any costs associated with temporary commercial sign removal by the City shall be at the expense of the sign owner.

7. All required permits shall be obtained prior to placement of temporary commercial signs, unless exempted by this title.

B. Temporary political signs may include wooden board signs, canvas signs and banner signs subject to the following:

1. Temporary political signs shall not be internally or externally illuminated.
2. Temporary political signs shall not be located or extend into or over public right-of-way or into the clear vision area.
3. Temporary political signs shall be maintained and kept neat and clean. Materials shall not be allowed to fade, tear, rip or otherwise become unsightly during the period of installation.
4. Temporary political signs shall not be attached to trees, shrubbery or utility poles. They shall not obstruct or obscure primary signs or adjacent premises. They shall not create a traffic hazard because of distractible character to motorists.
5. Temporary political signs shall range in size from greater than four square feet to a size not to exceed thirty-two (32) square feet in size at a four-foot by eight-foot dimension.
6. Temporary political signs shall be permitted for a timeline of thirty (30) days prior to any given election to seven days post the election outcome. Any costs associated with temporary political sign removal by the City shall be at the expense of the candidate.

16.45.120 Signs in Sunnyside Village.

- A. Village Townhouse (VTH). See Section 16.60.070, Signs in residential zones.
- B. Village Commercial (VC).
 1. South of the designated accessway, only hanging, on-building, or monument signs shall be used. Hanging signs shall be eight square feet maximum, with eight-foot pedestrian clearance.
- C. Village Office (VO).
 1. Signs in the village office district shall have a maximum of two colors in addition to black and white.
 2. Only hanging, on-building, or monument signs shall be used. Hanging signs shall be eight square foot maximum, with eight-foot pedestrian clearance. Monument and on-building signs twenty-four (24) square foot maximum.
 3. Except for neon signs, all illumination shall be external.

16.45.130 A-frame signs.

- A. Within all mixed-use employment, mixed-use residential multifamily, and mixed-use commercial zones, A-board signs shall be permitted subject to the following criteria:
 1. May be displayed outdoors during business hours only and shall be removed at the end of the business day.

2. The sign is placed within four feet of the main entrance to the building or individual business entry.
 3. Sign placement shall not interfere with pedestrian or vehicular traffic nor with on-street parking and shall have a minimum of five feet of unimpeded pedestrian sidewalk maneuvering space for accessibility. It shall not extend into clear vision areas or vehicular circulation areas. The sign shall not be attached to fences, trees, shrubbery, utility poles or like items and shall not obstruct or obscure primary signs on adjacent premises.
 4. Sign area is limited to twelve (12) square feet per face.
 5. The applicant provides a notarized statement acceptable to the City assuming liability for a sign on a public sidewalk.
 6. No more than one sign per street level business is permitted.
-
7. Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
 8. Shall be non-illuminated.

16.45.140 Nonconforming signs and their removal.

- A. A sign that was lawfully erected and maintained as of the date of the adoption of this Zoning Ordinance, but which does not meet the requirements of this chapter, shall be regarded as a lawful nonconforming sign if a permit for the same is obtained under this section. The sign may be continued for a period not to exceed ten (10) years from the date of adoption of this section for the purpose of amortization of investment. A person may request a longer amortization period by following the variance procedures of Chapter 16.71 of this Code. The variance application must demonstrate that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred (300) square feet.
- B. Signs located on premises annexed into the City after the effective date of this Zoning Ordinance and which signs do not comply with the provisions of this Code, shall be brought into compliance with the this Code within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty (30) days of annexation, request a variance as provided in subsection A of this section.
- C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty (30) days of annexation, request a variance as provided in Chapter 16.28.
- D. All existing signs or portions thereof prohibited in Section 16.45.050, except as provided in subsection A of this section, shall be removed or altered to comply within six months from the date of adoption of this Zoning Ordinance.
- E. Within one year from the date of adoption of this Code, the Sign Official or an authorized representative may inspect any sign regulated hereunder. The Sign Official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those

signs which, in the opinion of the Sign Official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The Sign Official may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.

F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to code enforcement procedures of the City.

16.45.150 Violation—Penalty.

A. In addition to any other provisions hereof, it is unlawful and a public nuisance for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of the City.

B. Signs in violations of this chapter which create a safety or traffic hazard, are located within the public right-of-way, or are located on a utility pole within the public right-of-way may be removed by the City without prior notice and are subject to the code enforcement procedures of the City.

Chapter 16.46 HAPPY VALLEY STYLE DESIGN STANDARDS

16.46.010 Happy Valley Style design standards.

A. Purpose. The purpose of the Happy Valley Style design review standards is to guide building siting and design and to promote a comprehensive identity for nonresidential developments within the community that are three stories or below in height through the application of the Happy Valley Style (Appendix B) and the standards of Chapter 16.46 so that:

1. The location, size, shape, height and spatial and visual arrangement of the uses and among buildings, building entrances, existing and proposed structures are compatible with each other, with consideration given to increased setbacks, building heights, shared parking, common driveways and other similar design considerations; and
2. That there are interrelationships between transit stops, transit facilities and routes, parking and loading areas, vehicular and pedestrian circulation, open spaces, landscaping and related activities and uses on the site.

B. Relationship to Other Standards. The standards of this section apply in addition to other standards of this title. Where standards in this section conflict with standards in other sections of this Code, the standards of this section shall govern.

C. Applicability.

1. The Happy Valley Style design standards apply to all mixed-use commercial, retail commercial, office and institutional office buildings that are three stories in height or less, except as exempted in subsection D of this section.
2. New buildings shall be designed using building design elements of the Happy Valley Style to create distinctive buildings with richly textured, visually engaging façades and that are pedestrian friendly. Expansion or substantial exterior remodeling of existing nonresidential development which is greater than fifty (50) percent of the building's gross floor area shall be

designed to maintain or increase the building's overall compliance with the Happy Valley Style standards.

3. Buildings that are greater than three stories in height are encouraged to utilize practical design elements from the Happy Valley Style.

D. Exemptions to the Happy Valley Style.

1. Residential dwellings, including residential care facilities, are exempt from the standards of Chapter 16.46. However, single-family attached and/or multifamily dwellings and residential care facilities are encouraged to utilize the Happy Valley design standards.

2. Master Plan areas over ten (10) acres in size within the employment district of the Rock Creek employment area containing specific design standards.

3. Buildings designed for military or related uses; manufacturing or other industrial uses; non-institutional buildings in the Hwy. 212/224 Industrial Corridor (west of 135th Avenue); and small institutional buildings such as maintenance sheds, pump stations, wireless communication facilities shelters, etc., as determined by the Planning Official.

4. Institutional office buildings and schools are exempted from Section 16.46.010.H.2 (Storefront Appearance for Commercial and Office Buildings).

E. Character of the Happy Valley Style. As described in more detail in Section 2 of Appendix B, the Happy Valley Style promotes a residential character for projects by drawing on features from certain historical architectural styles as well as through the use of complex massing and varied rooflines. Materials of the Happy Valley Style draw on the Pacific Northwest's natural resource heritage. Equally important to incorporating a residential character, the Happy Valley Style also promotes a pedestrian friendly environment, using façade design that creates a storefront appearance at the ground level. The overall development pattern should contribute to a sense of arrival and departure to and from the City core. Happy Valley's unique topography and natural features should be incorporated into project design where feasible. While it is influenced by historic architectural styles, the goal of the Happy Valley Style is not a literal replication of historic residential buildings, but appropriate contemporary interpretation of time-tested and proven design principles. The Happy Valley Style is also flexible enough to allow for variety, acknowledging different needs and preferences of various uses. Projects do not need to include all features that make up the Happy Valley Style. However, projects should reflect the Style's characteristic elements in varying combinations.

F. Pedestrian-Oriented Building Siting Standards. In order to orient buildings to the pedestrians walking on the pedestrian network and to activate the pedestrian environment and emphasize pedestrian movements, development shall meet the minimum standards in this section. Additional recommendations for pedestrian-oriented building siting are included in Section 3 of Appendix B:

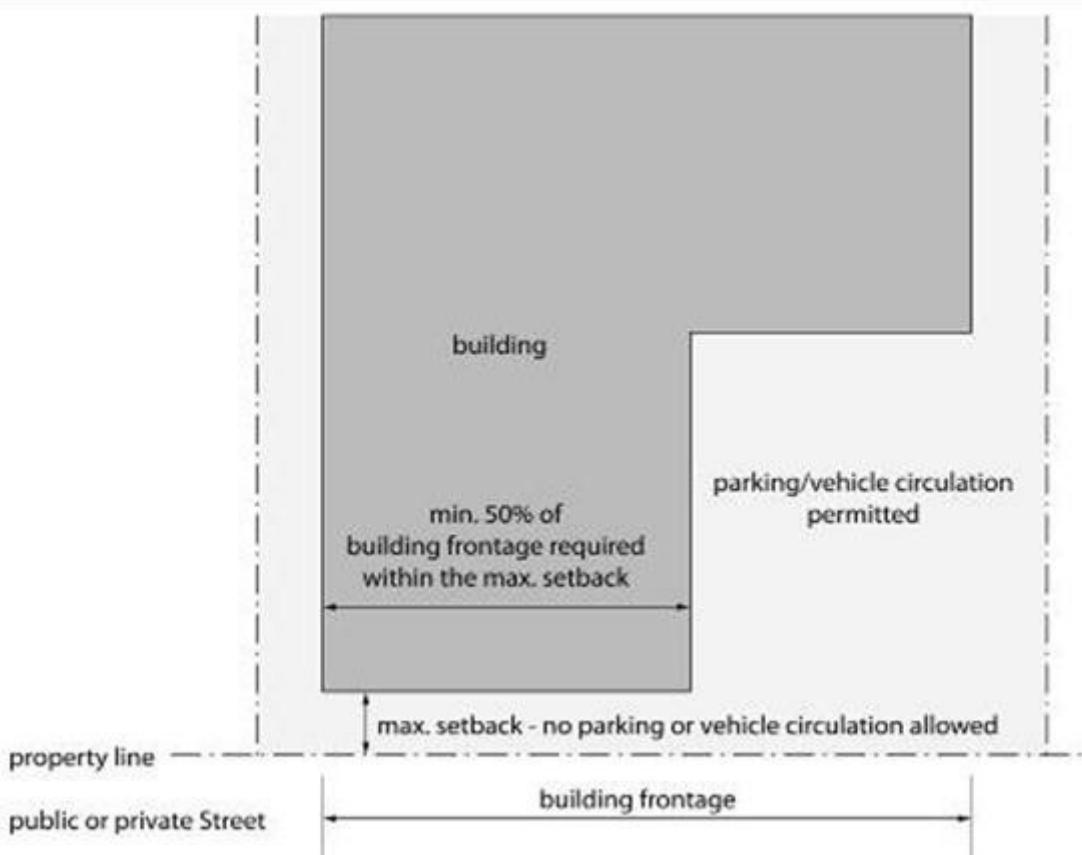
1. Maximum Setback.

a. At least fifty (50) percent of the building frontage must meet the maximum setback of eight feet from a property line along a public or private street.

b. Surface parking facilities and vehicular circulation facilities, such as driveways and queues, are prohibited between the fifty (50) percent of the building frontage regulated by this section and the public or private street.

2. Multiple Frontages. In scenarios involving multiple frontages, the developer shall have the option to designate and orient the front, side and rear façades of a structure. In no case shall buildings be required to have dual front façades. However, where development is proposed on a corner lot, buildings shall be located to preserve or create strong building edges at public or private street corners.

Figure 16.46.010-1: Maximum Setback



3. Exceptions. The Design Review Board may approve an exception to the maximum setback standards in the circumstances described in subsections (a) through (d), below, provided the exception is the minimum necessary and the proposed design accomplishes the intent of the Happy Valley design standards. Where the proposed adjustment will allow parking or vehicle circulation between the building and the street, the building shall include a pitch roof, high quality materials and other design elements to ensure that the intent of the Happy Valley design standards is achieved.

- a. The proposed building is interior to a development site and the maximum setback is met by other buildings on the site.
- b. An increase in the maximum setback is necessary for the protection of natural resource, or to accommodate topographic constraints or required utility easements.
- c. To allow for the placement of pedestrian amenities within the maximum setback, including, but not limited to, seating areas, water features, and plazas. Plazas shall include construction materials that differ from the surrounding sidewalk, and shall be

approved by the Design Review Board. Materials include (but are not limited to), paving bricks, stamped concrete, etc.

d. The proposed building has been oriented to a private street which has been designed and built to function as a public street.

G. Building Massing.

1. Complex Massing Required. New buildings shall use massing characteristic of the Happy Valley Style and asymmetrical composition to avoid the monolithic expanse of frontages and roof lines and break up building sections using elements including variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roof line, materials, color, or textures (see 4.1, Appendix B).

2. Street Corners. Where development is proposed on a corner lot, the following standards shall be met:

a. Buildings shall be designed to preserve or create strong building edges at public street corners (see 4.2, Appendix B).

b. Buildings shall reinforce street corners by repeating façade elements such as signs, awnings and window and wall treatments on both sides of the building facing the corner.

c. Buildings located on public street corners shall contain an architectural corner element which exceeds the eave height of the primary roof by at least five feet (see Figure 16.46.010-2). If the façade of the corner element exceeds twenty-five (25) feet in height, then windows are required to provide the appearance of a habitable second story (see Figure 16.46.010-3). Additional façade details such as cornice lines and material changes are encouraged.

Figure 16.46.010-2: Typical Corner Element

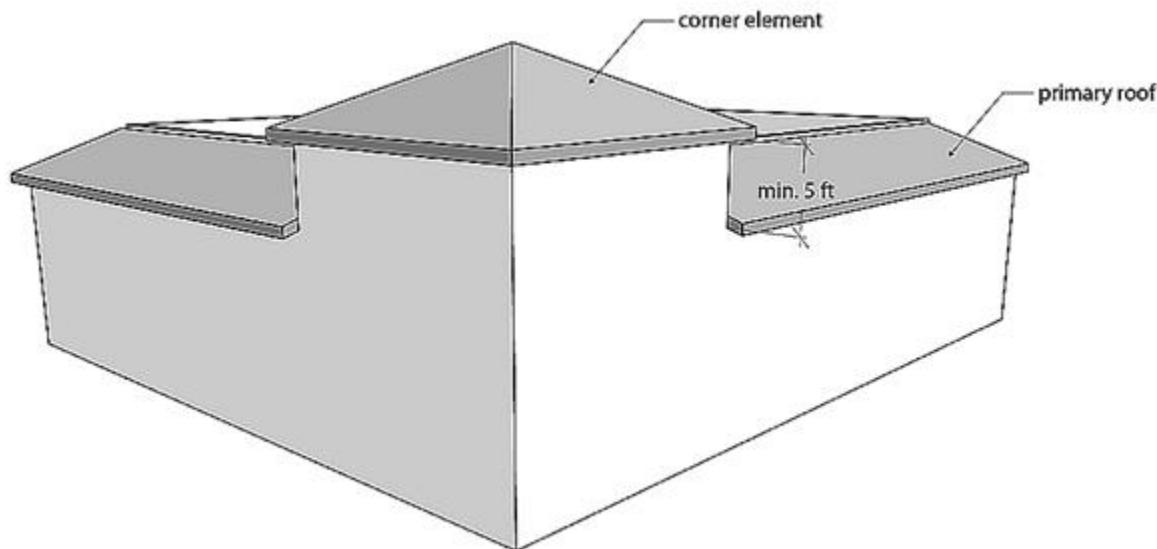
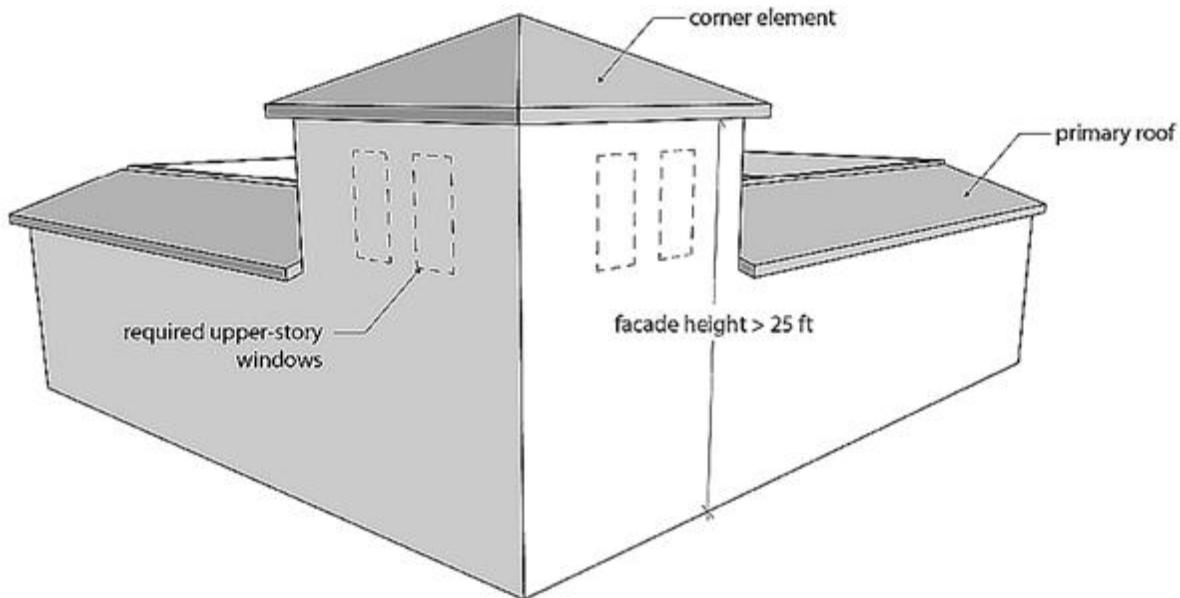


Figure 16.46.010-3: Two-Story Corner Element



d. Two-story building elements, which shall be located to reinforce the corner, include, but are not limited to:

- i. Tower;
- ii. Enclosed porch;
- iii. Entrance pavilion.

3. Roof Forms.

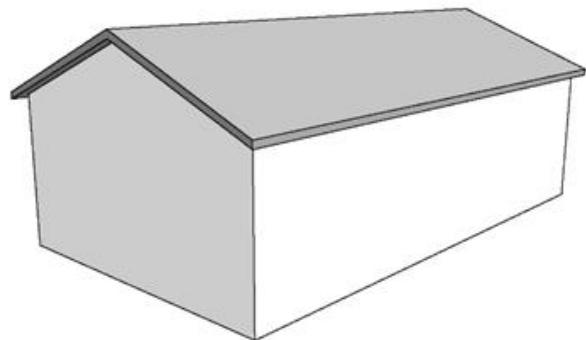
a. Roof forms shall promote architectural diversity and interest (see 4.3, Appendix B). While pitched roofs are desired to support Happy Valley Style's residential character, larger building footprints make flat roofs often the only practical solution. However, the edges of flat roofs can be articulated to make large buildings more compatible with the desired character. To address the wide range of building sizes permissible in nonresidential developments, the roof standards are divided into two distinct types based on building size.

b. Roofs shall meet the following standards:

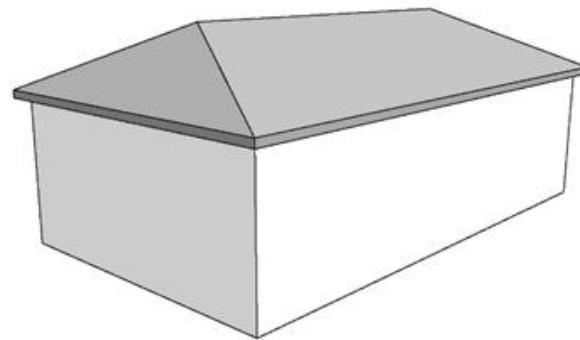
- i. Building footprints five thousand (5,000) square feet in size or smaller are required to have pitched (gabled or hipped) roofs or flat roofs with an applied pitch;
- ii. Building footprints greater than five thousand (5,000) square feet in size may have pitched (gabled or hipped) roof or flat roofs with either an applied pitch or parapet, per the requirements found in subsection d (Requirements for flat roofs), below.

Figure 16.46.010-4: Typical Roof Forms

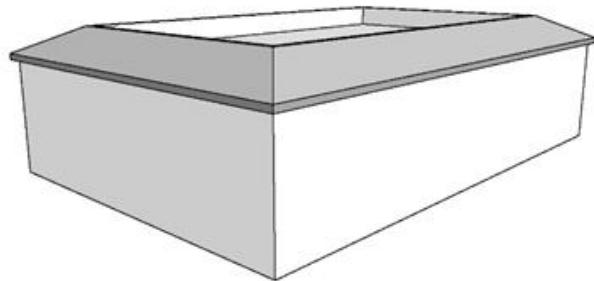
Typical Gabled Roof



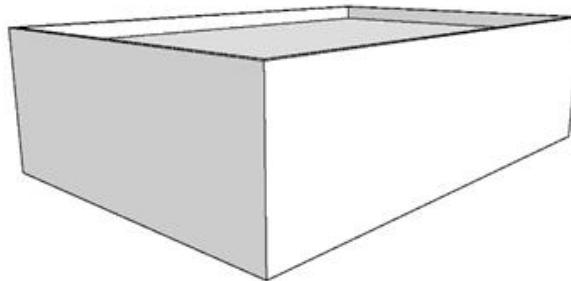
Typical Hipped Roof



Typical Flat Roof with Applied Pitch



Typical Flat Roof with Parapet

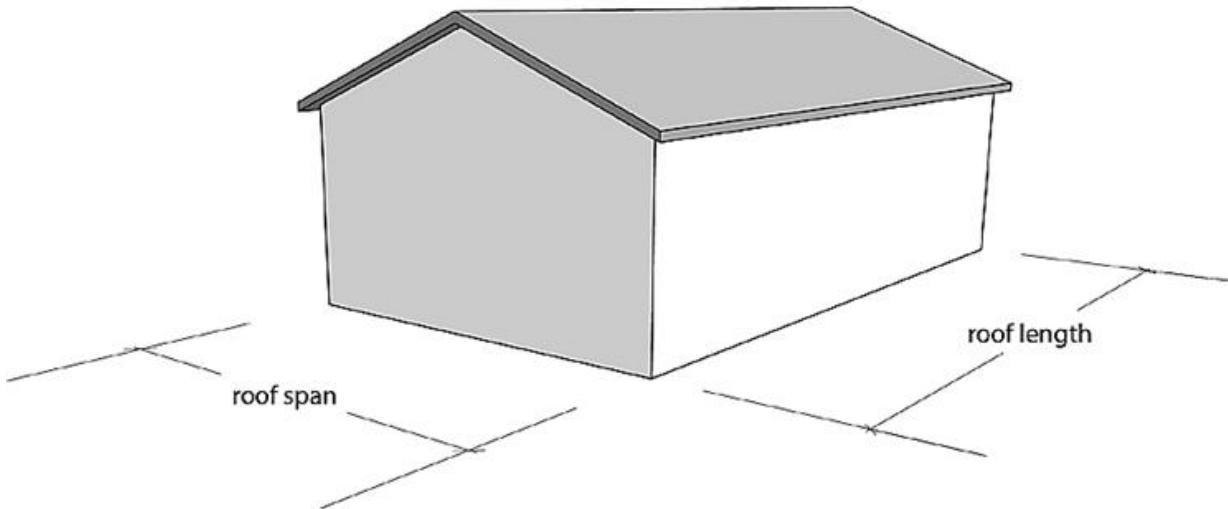


c. Requirements for Pitched or Applied Pitch Roofs. Dormers, cupolas and similar roof elements that break up and project from the primary roof shall be provided to create variety to the massing of structures and relieve the effect of a single, long roof.

Secondary roof elements shall be provided in the quantity specified below. Secondary roof elements may be located anywhere on the roof, although groupings and orderly arrangements are preferred. Roof length is the longer horizontal distance between the outside faces of the walls supporting the roof. In contrast to roof length, for the purpose of these standards, the roof span is the shortest horizontal distance between the outside faces of the walls supporting the roof.

Roof Length	Number of Secondary Roof Elements
Less than 30 feet	None required
30—45 feet	1
46—90 feet	2
91 feet and greater	4

Figure 16.46.010-5: Roof Span and Length



d. Requirements for Flat Roofs.

- i. All rooflines (span or length) facing a public street or clearly visible from a public right-of-way shall be detailed with either an applied pitch or parapet, as follows:

(A) Applied Pitch. An “applied pitch” gives a flat roof the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof.

At a minimum, the applied pitch shall:

(1) Extend at least eight feet horizontally from the eave on buildings of five thousand (5,000) square feet in size or smaller.

(2) Extend at least twelve (12) feet horizontally from the eave on buildings greater than five thousand (5,000) square feet in size.

The applied pitch shall extend vertically above the plane of the flat roof sufficiently to effectively screen all roof mounted equipment from public viewpoints. The slope of the applied pitch shall be consistent across the entire span. Breaks in the roof pitch to create a mansard or bonnet roof effect where the lower portion of the roof is steeper or less steep than the upper portion are not permitted.

Figure 16.46.010-6: Flat Roof with Applied Pitch—Overview

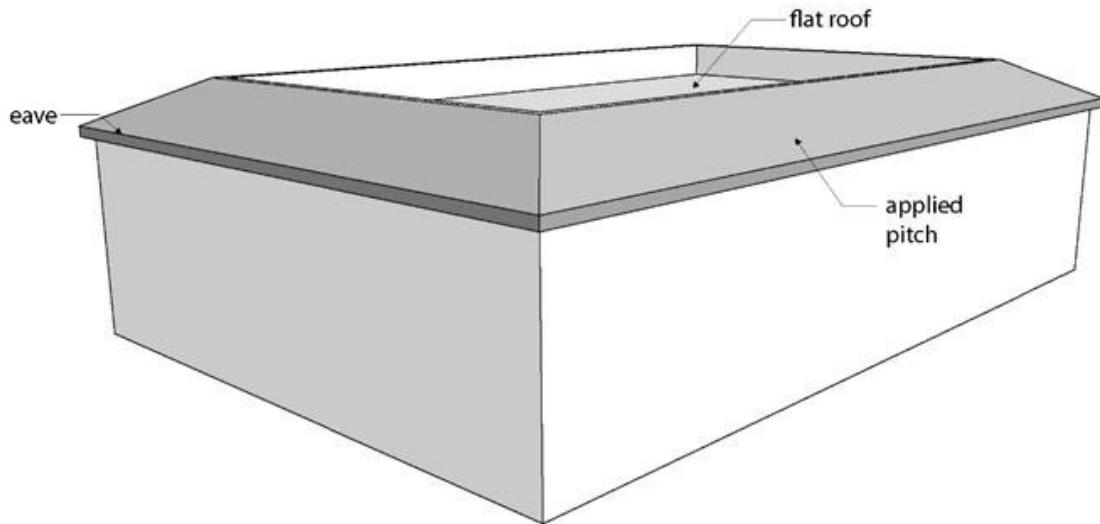
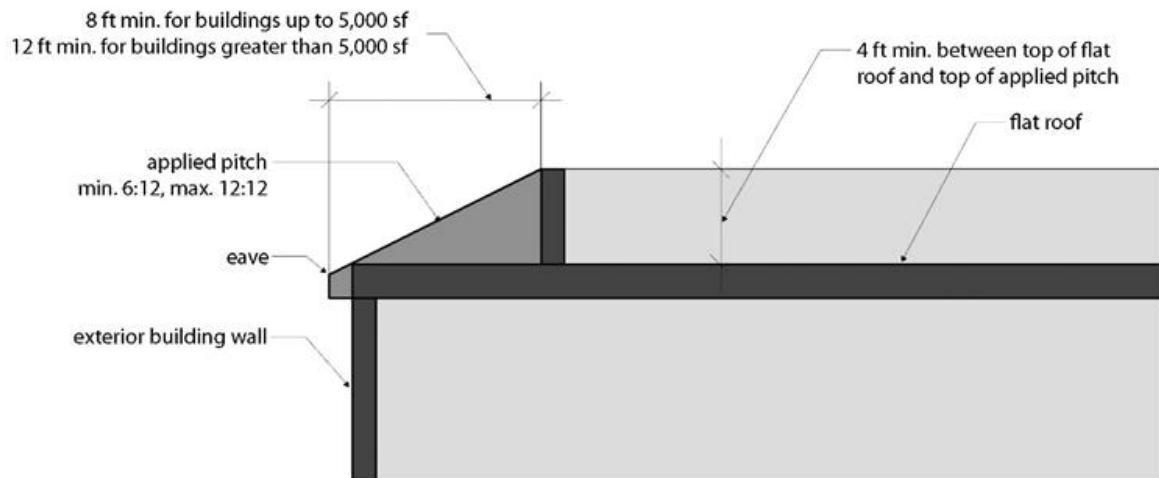
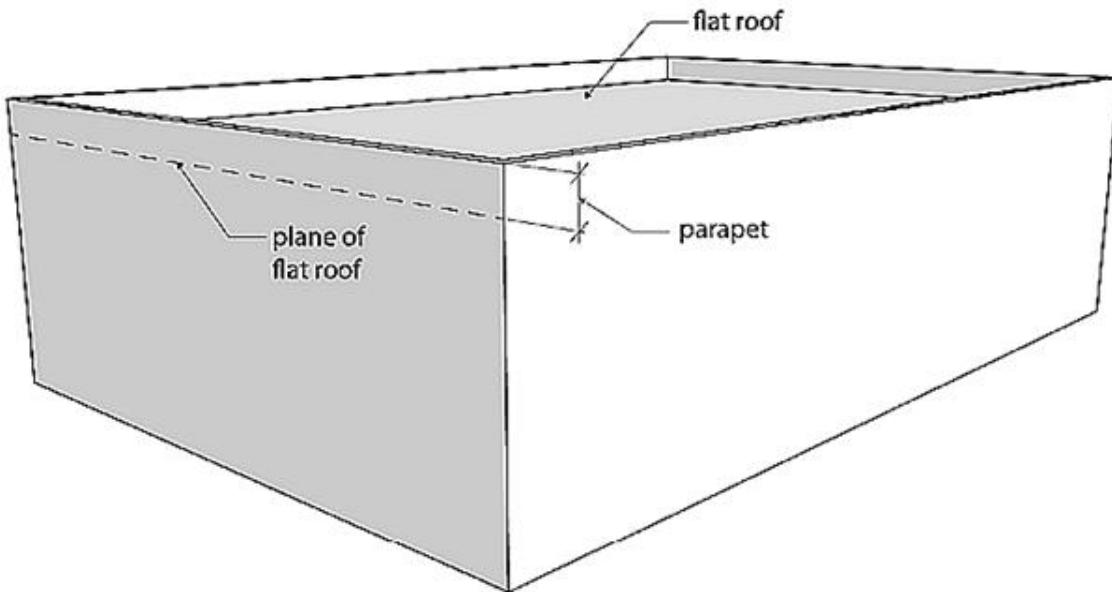


Figure 16.46.010-7: Flat Roof with Applied Pitch—Detail



(B) Parapet. A parapet is a vertical extension of the façade above the plane of a flat roof. The parapet shall extend vertically above the plane of the flat roof sufficiently to effectively screen all roof mounted equipment from public viewpoints. The parapet may have a simple edge or may be adorned with an articulated cornice. The parapet may, but is not required to, be distinct from the façade in terms of materials.

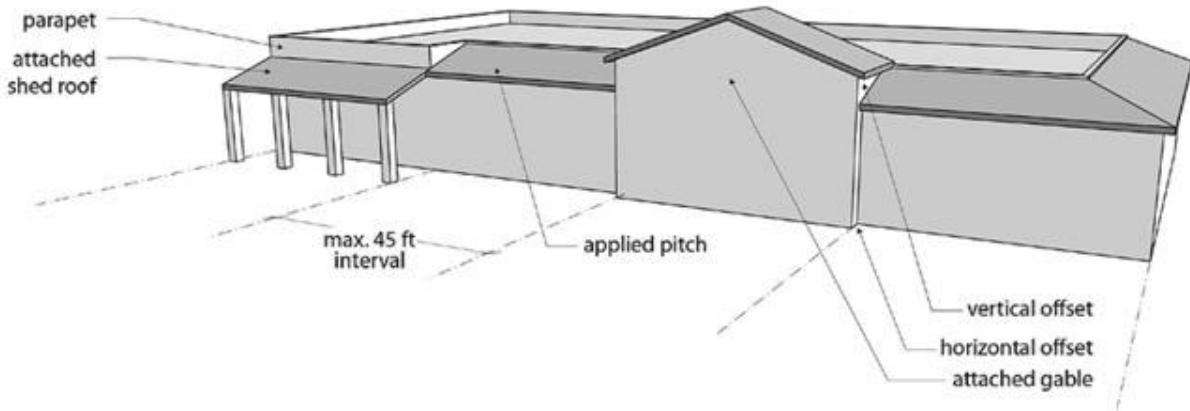
Figure 16.46.010-8: Flat Roof with Parapet



ii. To avoid the effect of a single, long roofline and to create a variety to the massing, variations to any roofline (span or length) facing a public street or clearly visible from a public right-of-way shall be provided at intervals of forty-five (45) feet or less. These variations may be achieved through combination of the following techniques:

- (A) Vertical Offset. Change in the height of the eave by at least three feet.
- (B) Horizontal Offset. Change in the horizontal position of the eave of at least three feet.
- (C) Varying use of parapet and applied pitch roof edges.
- (D) Attached or Applied Shed, Gable, or Hip. Building elements that are attached to a building's façade and covered with a shed roof, a gabled roof, or a hipped roof may be used to articulate the roofscape and break up the perceived façade length. Those building elements can be used in combination with parapets or applied pitches and may include covered walkways or porches, vestibules or covered entrances, bays projecting from the building façade, tower elements projecting above the primary roof line.

Figure 16.46.010-9: Roofline Variations for Flat Roofs

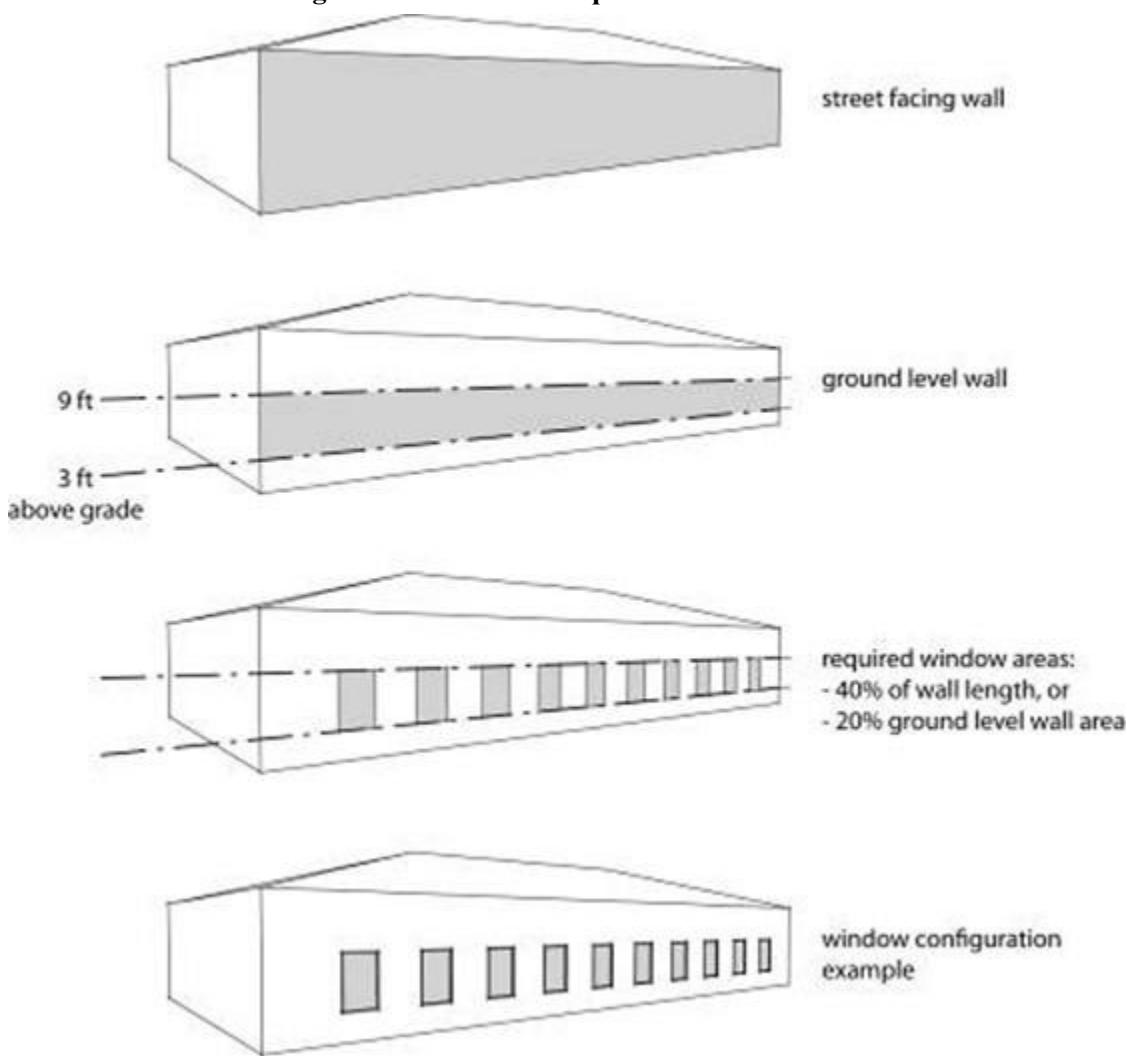


e. The Design Review Board may approve a modification of this standard only where the building façade otherwise provides the variations and offsets necessary to avoid a monolithic appearance.

H. Building Design.

1. Entrances.
 - a. To encourage increased pedestrian activity on public and private streets and sidewalks, primary building entrances should be oriented to, or be at an angle no more than forty-five (45) degrees from the street (public or private), to the maximum extent practicable. For multi-tenanted buildings or buildings with multiple entrances, or both, only one primary entrance must comply with this standard. In addition, for buildings with multiple frontages, only one primary entrance on one building frontage must comply with this standard (see 5.1, Appendix B).
 - b. Primary building entrances shall be architecturally emphasized.
2. Storefront Appearance for Commercial and Office Buildings. Commercial and office buildings fronting on public or private streets shall create a storefront appearance on the ground floor by implementing the following standards:
 - a. Changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals not exceeding forty (40) feet in length; and
 - b. Ground Floor Windows. To avoid blank walls and create a storefront appearance at the ground level, exterior building walls facing a public or private street shall incorporate ground floor windows.
 - i. Required Window Areas. Windows must be a minimum of forty (40) percent of the length and twenty (20) percent of the ground level wall area. Ground level walls include all exterior walls from three feet above finished grade up to nine feet above the finished grade.
 - ii. Qualifying Window Features. Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.

Figure 16.46.010-10: Required Window Area



3. Façade Design.

- Buildings shall include changes in relief on façades facing public or private streets for pedestrian interest and scale. Relief changes may include (see 5.2, Appendix B):
 - Cornices;
 - Bases;
 - Fenestration;
 - Fluted masonry;
 - Other treatments.
- Buildings with two or more stories shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings (see 5.2, Appendix B).
- Ornamental Devices. Ornamental devices characteristic of the Happy Valley Style, such as molding, entablature and friezes, are required at the roofline. Where such

ornamentation is present in the form of a linear molding or board, the band must be at a thickness in proportion to the height of the wall (see 5.2, Appendix B).

4. Awnings and Weather Protection.
 - a. Except as required by subsection (H)(4)(b), buildings shall provide awnings or canopies extending a minimum of two feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.
 - b. Where window walls are adjacent to walkways, buildings shall provide awnings or canopies for weather protection extending a minimum of six feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.
 - c. Weather protection shall be provided at building entries/exits extending a minimum of six feet from the entry/exit.
5. Materials. Building materials shall reflect the Happy Valley Style (see 5.3, Appendix B). Exterior colors shall have earth-tone shades, such as gray, tan, brown, rust, green, red, etc.
 - a. Primary Materials. A “primary material” is the predominant building material that covers a minimum of sixty (60) percent of the building’s exterior walls. Acceptable primary materials are identified in Table 16.46.010-1.
 - b. Secondary Materials. A “secondary material” is not the predominant building material. Any one secondary material shall not cover more than forty (40) percent of the building’s exterior walls. Acceptable secondary materials are identified in Table 16.46.010-1.
 - c. Base Materials. The building base shall be defined as the lower portion of a wall just above where it meets ground, often an extension of the foundation wall above grade. For the purpose of these standards, the base shall not extend beyond twenty-four (24) inches above grade. The base typically is exposed to water for extended periods and is at higher risk of physical impacts. Consequently, the base materials may differ from the materials used for the remainder of the façade in order to withstand these conditions. Base materials are identified in Table 16.46.010-1. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. Where a foundation wall extends beyond twenty-four (24) inches above grade, for instance on a sloped site, the portion of the foundation wall above twenty-four (24) inches shall be finished with permitted primary and/or secondary materials. In all cases, foundations and base materials shall be designed to match the scale of the building being supported.

Table 16.46.010-1: Building Materials

Materials	Allowed on Façade*		
	Primary	Secondary	Base
Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored	Yes	Yes	Yes

Materials	Allowed on Façade*		
	Primary	Secondary	Base
concrete blocks that are residential in character and appearance			
Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood	Yes	Yes	No
Architectural grade plywood, fiber cement, or wood composite panels (T1-11 plywood or OSB siding are not permitted)	No	Yes	No
Glass (except mirrored glass)	Yes	Yes	No
Typical commercial-grade stucco	No	Yes	Yes
Typical commercial-grade brick	No	Yes	Yes
Vertical, ribbed, non-corrugated, non-anodized aluminum metal or steel siding that is residential in character and appearance through variation in texture, stamping or offsets in elevation or material	No	Yes	No
Cast-in-place or pre-cast concrete	No	No	Yes
Plastic, except when used to replicate old styles (e.g., vinyl clad windows, polyurethane moldings, plastic columns, etc.)	No	No	No
Vinyl siding	No	No	No
Mirrored glass	No	No	No
Corrugated metal or fiberglass	No	No	No
Standard form concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry)	No	No	No
Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos	No	No	No

* Materials for architectural accents and details (e.g., window frames, trim) are exempt from this requirement.

Figure 16.46.010-11: Building Base on Flat Site

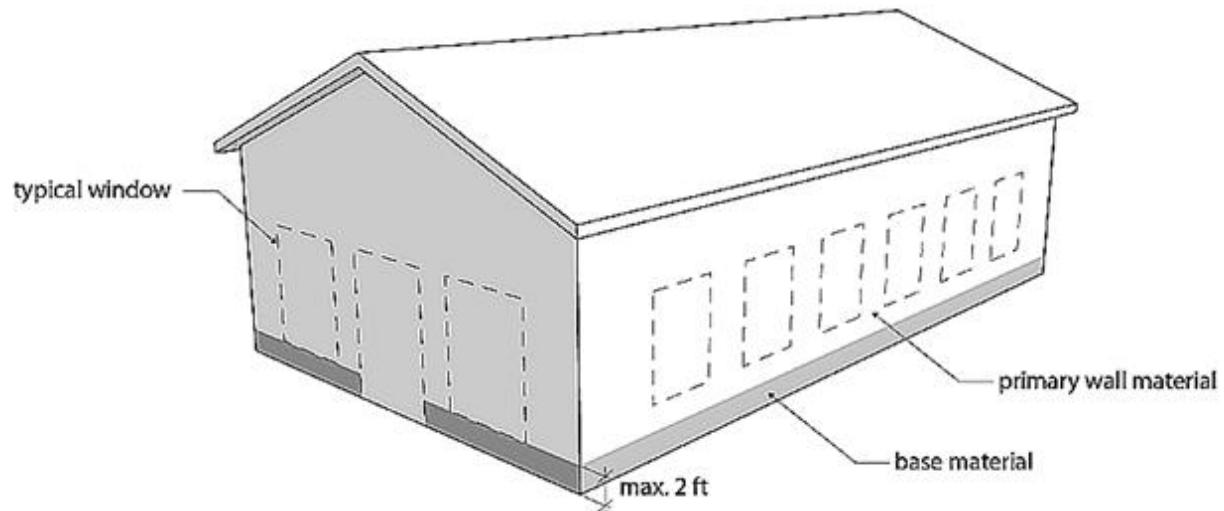
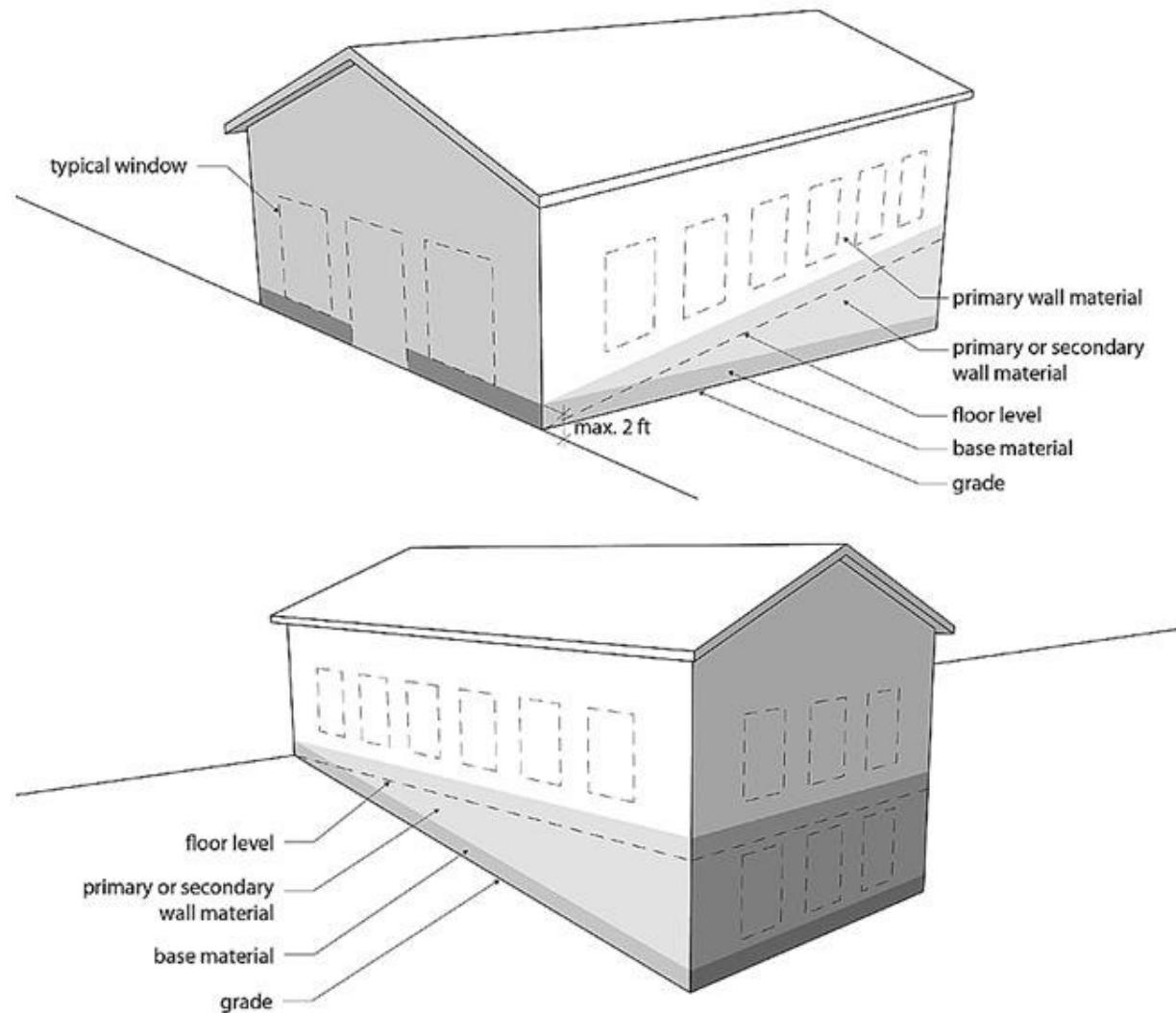


Figure 16.46.010-12: Building Base on Sloped Site



- d. Multiple-Story Buildings. When buildings have two or more stories, the material used at the ground level shall differ from that used at upper levels in order to create a clear distinction between the ground and upper levels.
 - e. Roof. New buildings or substantial remodeling that involve modifications to the roof shall use the following roofing materials:
 - i. Slate, tile, shakes or wood shingles, or synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.
 - ii. If a new or remodeled building utilizes a flat roof, materials that will not cause roof repairs (patching) to be readily visible.
6. Enclosure or Screening of Mechanical Equipment and Other Appurtenances.
- a. Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible or screened by a site obscuring fence or landscaping. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.
 - b. Trash enclosures shall be located away from the primary vehicular and pedestrian entries and shall be screened by a site obscuring fence or landscaping.
7. Parking Structures. A proposed parking structure or garage shall comply with the following design standards:
- a. Retail storefronts at the ground level of parking structures shall be located at the periphery of parking areas and structures. The street side of residential parking structures may contain facilities or services for residents, such as laundry rooms, lobbies, or exercise rooms.
 - b. Building materials shall complement abutting building materials.
 - c. In cases where a parking structure extends to the periphery of a site, the design of the structure shall reflect the massing, fenestration and detailing of adjacent and abutting buildings.
 - d. Architectural elements such as a frieze, cornice, trellis or other device, shall be continued from a residential portion of the building onto a parking structure (see 5.2, Appendix B).
 - e. Entries shall be designed to be subordinate to the pedestrian entry in scale and detailing. If possible, parking structure entries shall be located away from the street, to the side or rear of the building.
 - f. If possible, parking structures should be designed so that portions of the parking structure decks are used for landscaping or entry courts to abutting buildings.
 - g. Parking structures shall be detailed at ground level in a manner similar to adjacent or abutting buildings in order to create a strong/emphasized base.

I. Landscape/Hardscape Design. The following standards apply in addition to the landscaping standards in Chapter 16.42.

1. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.
2. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.
3. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.
4. Drinking fountains, display windows or other street furniture shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.
5. Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.
6. Miscellaneous solid wood materials such as fences, decks, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown.

J. Additional Parking Requirements. Parking shall be designed to provide adequate, but not excessive, space.

1. The number of parking spaces may be modified as follows:
 - a. High turnover eating or drinking establishments such as coffee shops, ice cream parlors and “take-and-bake” food services may vary from the parking requirements for restaurants by providing evidence that demonstrates the short term nature of their employee and patron parking needs. In no case, however, shall parking be reduced below the number of spaces that would be required for an equal size retail store.
 - b. Retail uses within one thousand (1,000) feet of one hundred (100) or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required.
2. Employee and Patron Parking Restrictions. Employee and patron parking shall be restricted to available parking as follows:
 - a. On-site parking;
 - b. Owned or easement parking for patrons within five hundred (500) feet of the business site;
 - c. Owned or easement parking for employees within one thousand (1,000) feet of the business site;
 - d. On street parking along the property frontage.

K. Street, Alley and Sidewalk Design. Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing the character of the commercial and institutional developments within the community through compliance with the following design

standards. These standards shall apply in addition to any other City requirements for street, alley or sidewalk design, located in the adopted transportation system plan. In the event of a conflict, the provisions of this section shall control.

1. Intersection Design. Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of emergency service vehicles (e.g., fire trucks, ambulances), buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.
2. Sidewalks. Sidewalk design shall consider and encourage opportunities for outdoor cafés, pushcart vendors, seasonal sidewalk sales, festivals and similar uses and activities which enliven pedestrian walkways.
3. Alleys. Alleys shall be incorporated into design plans where feasible as pedestrian and vehicular accessways.
4. Protecting Pedestrians. In areas of potential vehicle/pedestrian conflict, street furniture or bollards (see Section 6 of Appendix B for examples) shall be used to help create a “protected zone” for the pedestrian.
5. Street Furniture and Lighting. New and substantially remodeled buildings shall incorporate street furniture and lighting within the public right-of-way and in private areas open to public pedestrian activity (see Section 6 of Appendix B) and per the requirements of Section 16.43.030 (Automobile parking standards).
6. Street Trees. Street trees shall be required to be installed in compliance with Chapter 16.42, Landscaping, Street Trees and Buffering, as a condition of approval.

L. Exceptions to the Happy Valley Design Standards.

1. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71. For each standard for which a design exception is sought, the applicant shall demonstrate that at least one of the following circumstances is met:
 - a. The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or
 - b. The alternative design better complies with the following:
 - i. The purpose of the Happy Valley Style design standards in subsection A of this section;
 - ii. The character of the Happy Valley Style in Section 2 of Appendix B; and
 - iii. The intent of the standard as outlined in Appendix B.
2. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

Chapter 16.47 PROPERTY MAINTENANCE

16.47.010 Property maintenance.

- A. Purpose. All properties within the City shall be maintained in a manner which will prevent the existence of hazards and life threatening conditions. Maintenance of properties shall include any vegetation, natural features and structures of any type located on the property.
- B. Vegetation.
 - 1. Any trees which are dead, harboring a nuisance, leaning or reclining at an angle which could create a danger if the tree were to fall, is a fire hazard or interferes with utilities or service delivery shall be removed from the property by or at the expense of the property owner.
 - 2. Grass and weeds growing on any property for noncommercial purposes shall not be allowed to grow above a height of ten (10) inches above ground level. Cutting or removal shall be at the owner's expense.
 - 3. Noxious weeds and growth must be removed immediately upon appearance on any property. After official notice from the City, failure to remove such weeds and growth shall result in removal, disposal and spraying of the area by the City, which shall be reimbursed by the property owner. The City shall keep records of such costs and shall send an invoice to the property owner for such costs incurred. The bill is to be paid immediately upon receipt via registered mail.
- C. Natural Features.
 - 1. No water shall be allowed to pond where such ponded water has been or will become stagnant and act as a breeding area for insects or will harbor a nuisance of any type.
 - 2. Any slope or scarp which is steep enough to create a potential hazard from rockfall, mudslide or landslide shall be maintained in any practical and possible way to prevent damage to surrounding properties or injury to any person.
- D. Structures. Any structure which has been condemned by an official source or which has been judged unsafe by the Building Official shall be repaired if possible to become usable or habitable under current building codes as administered by the Building Official to become habitable or it shall be removed from the property. Any repair and/or removal of any structure from any property shall be at the expense of the property owner.
- E. Safety. No feature of any property, whether natural or manmade, shall lean, recline or lay across any property line or cause any hazard to any other property by such means as falling, creeping, sliding or any other means.

Chapter 16.48 INDUSTRIAL DESIGN STANDARDS

16.48.010 Employment Center (EC), Industrial Campus (IC) and Institutional and Public Use (IPU).

- A. Purpose. The purpose of the design standards within this section is to promote high quality employment development within the EC, IC and IPU areas. The intent is to encourage economic vitality and job creation, sustainability, efficiency, flexibility, connectivity and well-designed, mixed-use employment centers that can adapt over time to changes in market dynamics. The intent of the design standards is to:

1. Preserve and protect the public health, safety and welfare of the citizens and workers of the City;
 2. Promote efficient utilization of land for business development;
 3. Incubate and support sustainable business and industry;
 4. Improve the function and appearance of industrial and commercial streets, and enhance the convenience, ease and enjoyment of transit use, walking and public gathering;
 5. Define building forms to be compatible with their context.
- B. Relationship to Other Standards. The standards of this section apply in addition to other standards of this title. Where standards in this section conflict with standards in other sections of this Code, the standards of this section shall govern.
- C. Applicability. The design standards in this section apply to all new employment, industrial, non-office institutional buildings and police/fire buildings.
- D. Building Siting and Design Standards and Characteristics.
1. Exterior Materials. Exterior buildings materials should give the appearance of high-quality design. Materials must have a durability equivalent to that expected of contemporary office, flex and industrial buildings. Appropriate materials include, but are not limited to: masonry (e.g., brick or architectural block); glass; synthetic plaster; pre-cast concrete; or, stone. Materials of lesser durability or appearance shall be limited to the rear façade of the buildings. Materials considered of lesser durability or appearance include, but are not limited to: metal panels/sheet metal, fiberglass panels, vinyl or aluminum siding, or wood shingles.
 2. Exterior Colors. The contrast between trim or mortar and the dominant exterior finish should be moderate. The dominant exterior shall have earth-tone shades, such as gray, tan, brown, rust, green, red, etc.
 3. Complex Massing Required. New buildings shall use massing characteristics and asymmetrical composition to avoid the monolithic expanse of frontages and roof lines and break up building sections using elements including variable planes, projections, bays, setbacks, canopies, awnings, parapets, changes in the roof line, materials, color, or textures.
 4. Upper Floor Appearance. When buildings have two or more stories, the material used at the ground level shall differ from that used at upper levels in order to create a clear distinction between the ground and upper levels.
 5. Enclosure or Screening of Mechanical Equipment. Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible or screened by a site obscuring fence or landscaping. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.
 6. Site Lighting. Exterior illumination shall be designed per the requirements of Section 16.43.030 (Automobile parking standards).
- E. Open Space Requirements. All developments subject to this section shall comply with the following open space requirements.
1. Minimum Open Space. A minimum of ten (10) percent of land area shall be useable open space, to include employee amenities such as outdoor break areas, outdoor eating areas, recreation activity space, etc.

2. Aggregated Open Space. Open space should be aggregated in contiguous areas rather than dispersed throughout the site.
3. Courtyards and Plazas. Courtyards and plazas shall be surrounded by at least one building. Building walls fronting courtyards and plazas shall include at least one entrance, outdoor weather protection, outdoor seating and ground floor façade transparency through windows and/or doors.
4. Pedestrian Connections. Open space network shall include interior paths and common areas that link buildings with walkways, courtyards and plazas, functional open space and trails.

F. Additional Landscaping and Site Design Requirements. All developments subject to this section shall comply with the following landscape and site design requirements.

1. Street Trees. Street trees shall be required to be installed in compliance with Chapter 16.42, Landscaping, Street Trees, Fences and Walls, as a condition of approval.
2. Protecting Pedestrians. In areas of potential vehicle/pedestrian conflict, street furniture or bollards (see Chapter 16.46 for examples) shall be used to help create a “protected zone” for the pedestrian.
3. Landscape Design.
 - a. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.
 - b. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.
 - c. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.

G. Additional Parking Requirements. Parking shall be designed to provide adequate, but not excessive, storage space for vehicles.

1. Parking areas shall be screened with landscaped berms, shrubs, trees, or other materials providing a natural and harmonious appearance with the buildings and surrounding area. Vehicles need not be completely screened from sight, but rather a visible break should be provided between public areas and parking areas.
2. Employee and Patron Parking Restrictions. Employee and patron parking shall be restricted to available parking as follows:
 - a. On-site parking;
 - b. Owned or easement parking for patrons within five hundred (500) feet of the business site;
 - c. Owned or easement parking for employees within one thousand (1,000) feet of the business site;

- d. On street parking along the property frontage.

H. Street, Alley and Sidewalk Design. Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing the character of the commercial and industrial developments within the community through compliance with the following design standards. These standards shall apply in addition to any other City requirements for street, alley or sidewalk design, located in the adopted Transportation System Plan (TSP). In the event of a conflict, the provisions of this section shall control.

1. Intersection Design. Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of emergency service vehicles (e.g., fire trucks, ambulances), trucks, buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.
2. Alleys. Alleys shall be incorporated into design plans where feasible as pedestrian and vehicular accessways.

I. Exceptions.

1. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71 provided at least one of the following circumstances is met:
 - a. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other natural features of the site, buildings or other existing development, utility lines and easements, etc.);
 - b. The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of this section; or
 - c. The applicant is proposing an expansion of an existing building that is solely designed and constructed to provide accessibility for the disabled, provide for energy conservation (e.g., addition of an entry vestibule), provide for screened recycling or trash storage, or relocate or screen visible exterior mechanical equipment so that such equipment is no longer visible.
2. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

Chapter 16.49 MARIJUANA TIME, PLACE, AND MANNER REGULATIONS

16.49.010 Applicability.

This chapter applies to:

- A. Marijuana production, processing and wholesaling in the IC and EC Districts (as limited); and
- B. Marijuana retailing in the CCC, MCC, MUC, and MUE Districts. (Ord. 503 § 1, 2016)

16.49.020 Procedure.

Marijuana production, marijuana wholesaling, and marijuana retailing require review as Type I applications pursuant to Section 16.61.020. Marijuana processing requires review as a Type II application pursuant to Section 16.61.030. The facility shall also be licensed by the Oregon Liquor Control Commission (OLCC) or Oregon Health Authority (OHA) as applicable.

16.49.030 Marijuana production and marijuana processing.

Marijuana production, processing, and wholesaling shall be subject to the following standards and criteria:

- A. Indoor Production, Processing and Wholesaling. In the EC and IC Districts, marijuana production, processing, and wholesaling shall be located entirely within one or more completely enclosed buildings.
- B. Maximum Building Floor Space. The following standards apply in the EC and IC Districts:
 1. A maximum of twenty thousand (20,000) square feet of building floor space may be used for all activities associated with marijuana production, processing, and wholesaling on the premises; and
 2. If only a portion of a building is authorized for use in marijuana production, processing and wholesaling a partition wall at least seven feet in height, or a height as required by the Oregon Structural Specialty Code shall separate the marijuana production, processing and wholesaling space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production, processing and wholesaling space and the remainder of the building.
- C. Lighting. Lighting shall be regulated as follows:
 1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day;
 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day; and
 3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.
- D. Odor. As used in Section 16.49.030, building means the building, or portion thereof, used for marijuana production or processing and shall be regulated as follows:
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter;
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM;
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days;

4. Negative air pressure shall be maintained inside the building;
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building;
 6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with this subsection (D); and
 7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
- E. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds fifty (50) dB(A).
- F. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.
- G. Water. The applicant shall submit:
1. A water right permit or certificate number for the proposed marijuana production or processing;
 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or processing is from a source that does not require a water right.
- H. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
- I. Processing Limitations. The use of butane or other explosive materials in the processing of marijuana is prohibited.

16.49.040 Marijuana retailing.

Marijuana retailing shall be subject to the following standards and criteria:

- A. Hours. A marijuana retailer may only sell to consumers between the hours of 10:00 a.m. and 9:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 10:00 a.m. and 9:00 p.m.
- B. Odor. As used in this section, “building” means the building, or portion thereof, used for marijuana retailing per the following provisions:
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter;

2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for CFM equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM;
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days;
4. Negative air pressure shall be maintained inside the building;
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building;
6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Section 16.49.040(B); and
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

C. Window Service. The use shall not have a walk-up window or drive-thru window service.

D. Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

E. Minors. No one under the age of twenty-one (21) shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by State law.

F. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.

G. Minimum Separation Distances.

1. The use shall be located a minimum of:

- a. Two thousand (2,000) feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;

- b. One thousand (1,000) feet from a public park, public playground, public recreation facility (athletic field, court, gym, swim pool, etc.), public community center, public library, licensed treatment center, light rail transit station, or a multifamily dwelling owned by a public housing authority.

- i. A natural area or open space is exempt from this setback if the natural area is simultaneously owned by a public body and the area is not open to the public for regular usage;

- c. Five hundred (500) feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool; and

- d. One hundred (100) feet from a residentially zoned property.
2. If the use is licensed by the OLCC pursuant to Section 22, Chapter 1, Oregon Laws 2015, it shall be located a minimum of one thousand (1,000) feet from any other marijuana retailer so licensed by the OLCC.
3. If the use is registered with the OHA pursuant to ORS 475.314, it shall be located a minimum of one thousand (1,000) feet from any other marijuana retailer so registered with the OHA.
4. For purposes of subsection (G)(1), distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of subsections (G)(2) and (3), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
5. A change in use (including a zone change) to another property to a use identified in subsection (G) after a complete Type I application for marijuana retailing has been filed shall not result in the marijuana retailer being in violation of subsection (G).

16.49.050 Approval period.

- A. Approval of a permit under this chapter shall be effective for a period of two years from the date of final approval. The approval shall lapse if:
 1. A public improvement plan or building permit application for the project has not been submitted within two years of approval; or
 2. Construction on the site is in violation of the approved plan.