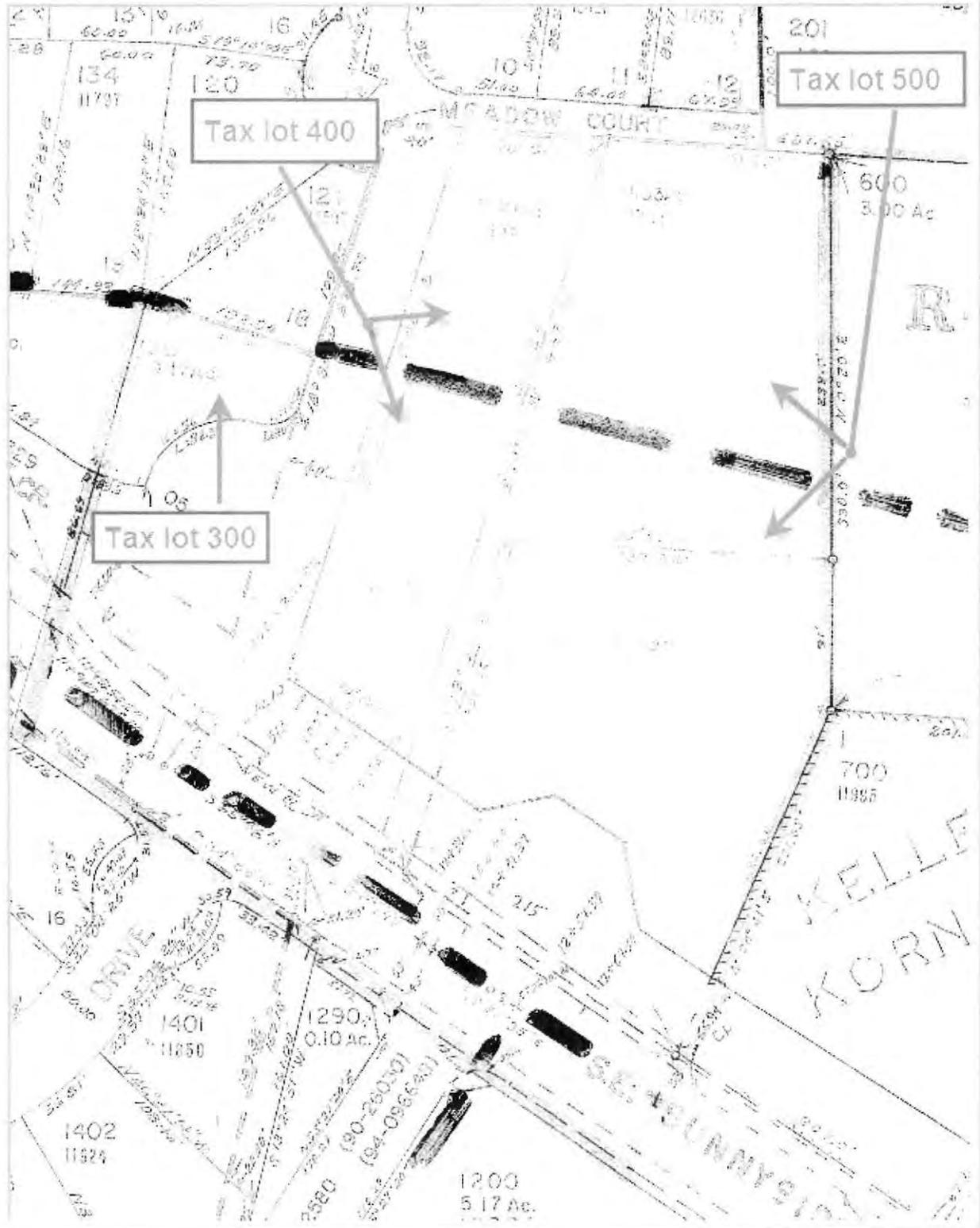


Proof #1:

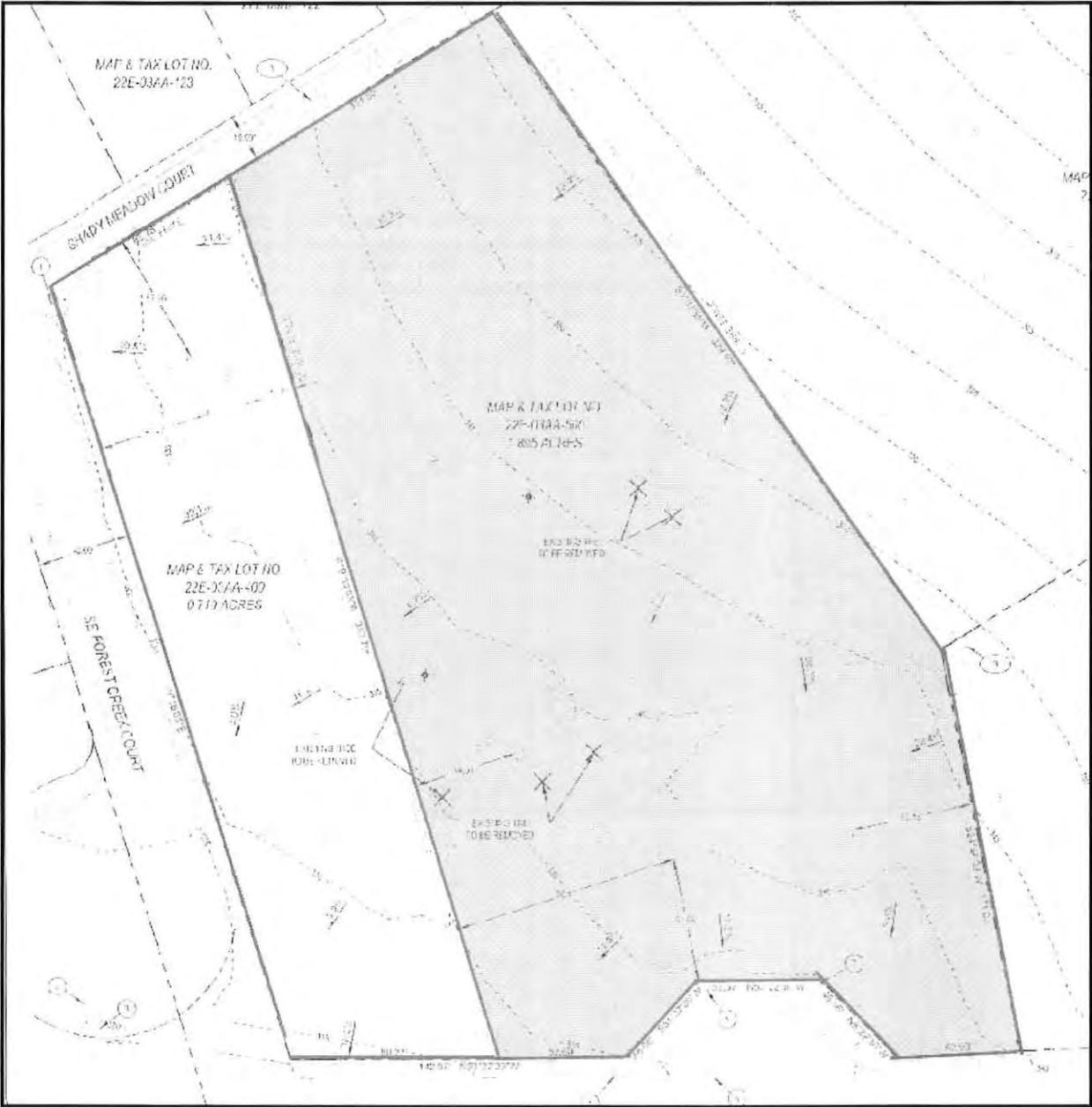
McDonalds and Bank variances
were self-imposed due to
desires of the developer, not
due to lot configuration or
other conditions of the site

The lots on which the McDonalds was built and which the bank was proposed to be built were originally in Clackamas County (tax lots 400 and 500). The northern portion of the land in yellow was zoned R-10 (residential), and the southern portion of the land was zoned as OA (Office Apartment). Tax lot 300 was annexed at the same time, by the same owner, but isn't related to this discussion in any other way.



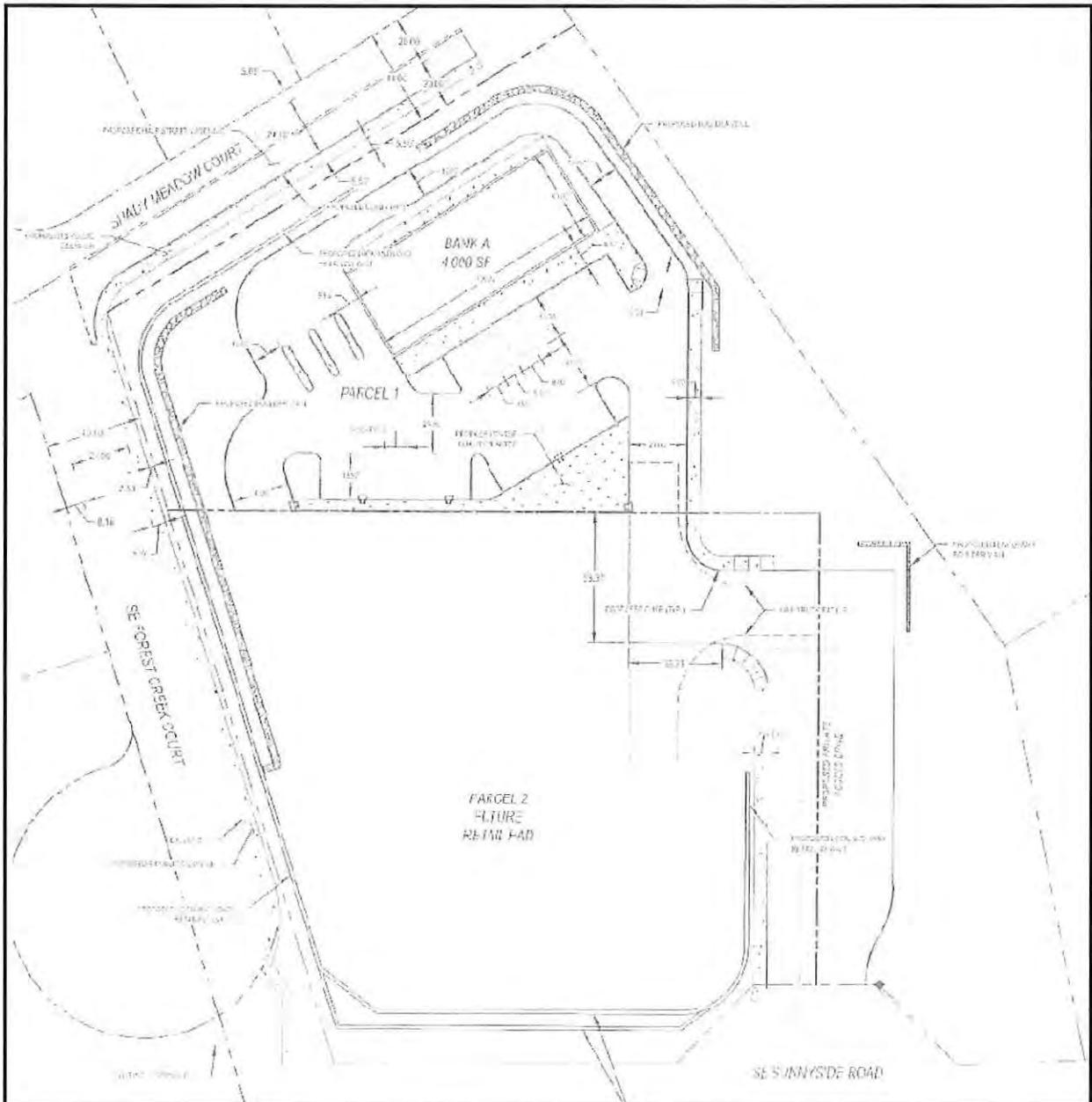
In 2009, the land was annexed into Happy Valley. The southern portion of land was legally converted to MUC (multi-use commercial), as required by the ordinance passed just 2 months earlier. The northern portion of the lot was also converted to MUC, in direct violation of the same land use code. The map below shows the new, annexed property, colored to show the two tax lots.

Tax lot 400 on the left is 0.719 acres while tax lot 500 on the right was 1.896 acres, for a total lot size of 2.615 acres.



In 2013, the developer subdivided the lot into two different parcels, and submitted the map below in their proposal for the bank. At that time the developer did not reveal that the southern portion of the land would be for a McDonalds, but had been planning the McDonalds so know about the variances required for both lands.

At this point in the development process, the property lines were not yet legally recorded. The Class C variances were not required due to the lot configuration or other conditions of the site - they were caused by the developer redrawing the lots within the development, and by the developer's desired uses of the lots. The developer was not forced to build a drive-through bank or drive-through restaurant.



As can be seen above, the developer caused the variance by creating two parcels because they wanted to make more money by overbuilding the combined lots. Instead of building just the McDonalds with a smaller percentage variance, or build another type of building that would require no variances at all, they decided to split the lots and created two separate properties that could not support the desired structures without Class C variances.

Prior to the McDonalds development design review, the bank development was scrapped. Because of this, the entire property was available for use by the McDonalds. However, the city did not require the land to be developed as a single property, even though there is still no proposed use for the northern portion of the land where the bank was situated.

Rather than require the developer to submit a plan that would fit into the combined lots, the city approved the development, ignoring the facts that the development would require twice the number of Class C variances, and that both of the variances would be far more severe than if only one property were developed.

Had the property not been split, then the FAR variance would have required a structure that was approximately 27,000 square feet with no variances at all. Even with the larger building size, the number of required parking spaces would likely have fit into the space, because a shopping center and other retail spaces require 60% less parking than that of a drive-through restaurant.

With allowances for Class A and Class B variances, the developer could have built just 70 parking spaces for the reduced building size. The designs for the bank and McDonalds had a combined 65 parking spaces (19 for the bank, 46 for the McDonalds), so the parking would have easily fit on the combined lots after removing the drive-through structures and placing another type of building on the site.

The Class C variances were not required due to the lot configuration or other conditions of the site; the Class C variances were only required because of the developer's desired use of the site.

Proof #2:

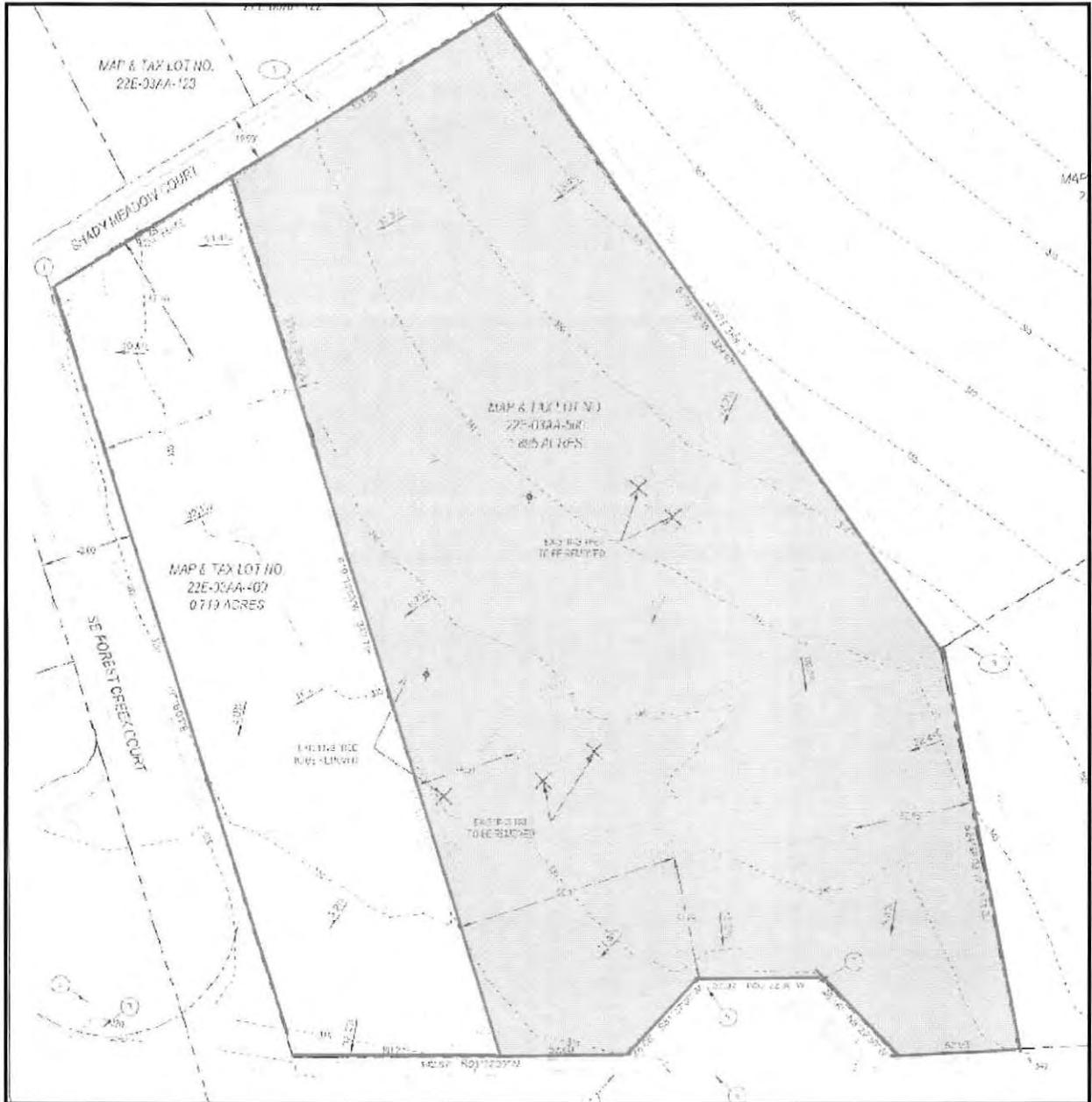
The Walgreen variances were self-imposed due to desires of the developer, not due to lot configuration or other conditions of the site

The land on which the Walgreens is being built was originally in Clackamas County. The map below shows the lots.

In 2014, this land was annexed into Happy Valley. As with the McDonald's property, the original lot configuration did not lend itself to easy commercial development, so the property lines were redrawn.

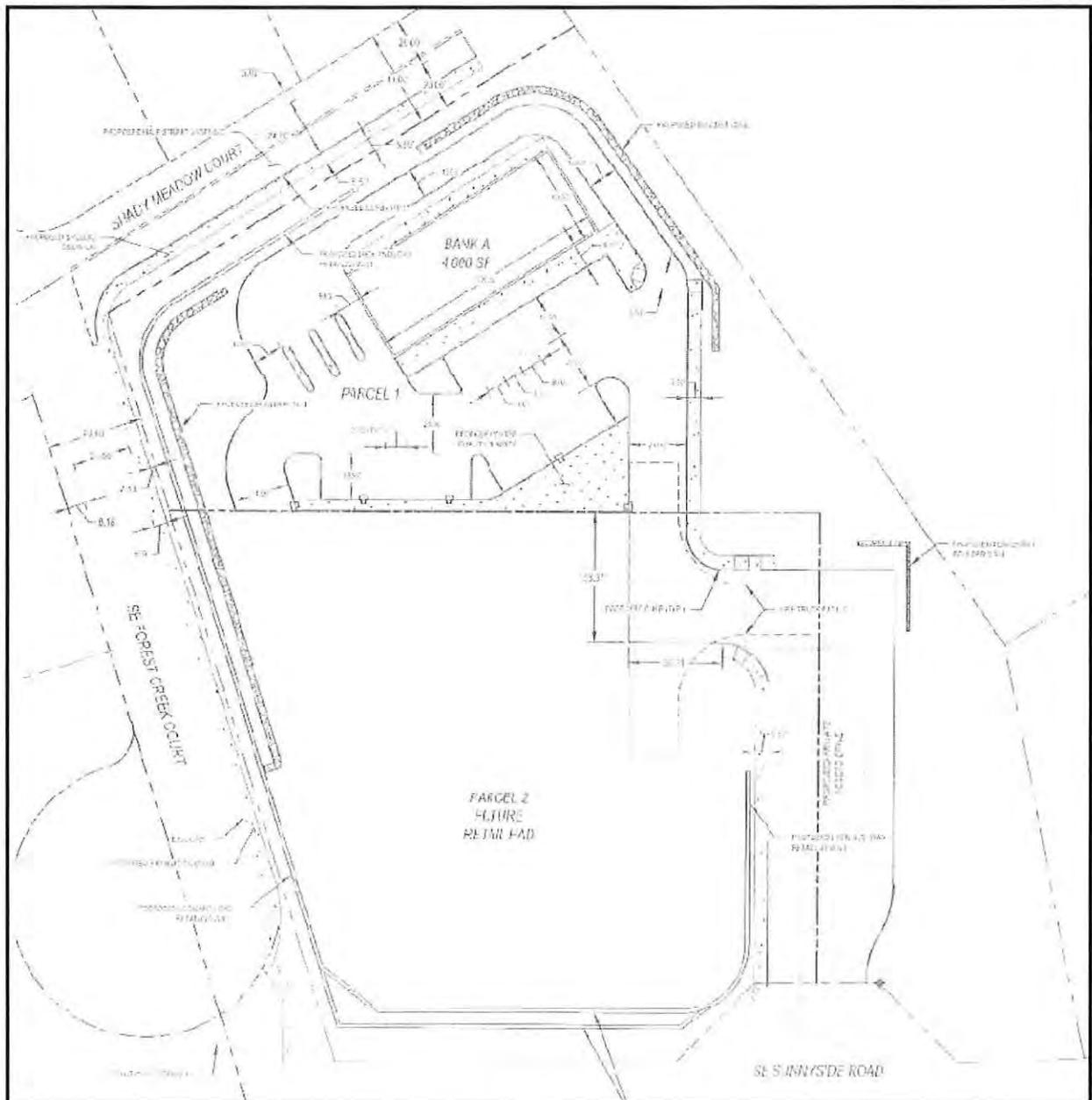
Shortly afterward, the city approved major excavation of the property, what they called grading. According to the developer's plans, approximately 37,000 cubic yards of soil were scheduled to be removed.

Tax lot 400 on the left is 0.719 acres while tax lot 500 on the right was 1.896 acres, for a total lot size of 2.615 acres.



In 2013, the developer subdivided the lot into two different parcels, and submitted the map below in their proposal for the bank. At that time the developer did not reveal that the southern portion of the land would be for a McDonalds, but had been planning the McDonalds so know about the variances required for both lands.

At this point in the development process, the property lines were not yet legally recorded. The Class C variances were not required due to the lot configuration or other conditions of the site - they were caused by the developer redrawing the lots within the development, and by the developer's desired uses of the lots. The developer was not forced to build a drive-through bank or drive-through restaurant.



As can be seen above, the developer caused the variance by creating two parcels because they wanted to make more money by overbuilding the combined lots. Instead of building just the McDonalds with a smaller percentage variance, or build another type of building that would require no variances at all, they decided to split the lots and created two separate properties that could not support the desired structures without Class C variances.

Prior to the McDonalds development design review, the bank development was scrapped. Because of this, the entire property was available for use by the McDonalds. However, the city did not require the land to be developed as a single property, even though there is still no proposed use for the northern portion of the land where the bank was situated.

Rather than require the developer to submit a plan that would fit into the combined lots, the city approved the development, ignoring the facts that the development would require twice the number of Class C variances, and that both of the variances would be far more severe than if only one property were developed.

Had the property not been split, then the FAR variance would have required a structure that was approximately 27,000 square feet with no variances at all. Even with the larger building size, the number of required parking spaces would likely have fit into the space, because a shopping center and other retail spaces require 60% less parking than that of a drive-through restaurant.

With allowances for Class A and Class B variances, the developer could have built just 70 parking spaces for the reduced building size. The designs for the bank and McDonalds had a combined 65 parking spaces (19 for the bank, 46 for the McDonalds), so the parking would have easily fit on the combined lots after removing the drive-through structures and placing another type of building on the site.

The Class C variances were not required due to the lot configuration or other conditions of the site; the Class C variances were only required because of the developer's desired use of the site.

Chapter 16.32 - Steep Slopes Development Overlay

Chapter 16.32 of the City of Happy
Valley Land Use code

Chapter 16.32 STEEP SLOPES DEVELOPMENT OVERLAY ZONE

16.32.010 Purpose.

Slope constrained lands are regulated by the steep slopes development overlay (SSDO). The purpose of the SSDO is to:

- A. Contribute to compliance with Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards). For Goal 7, the SSDO specifically minimizes seismic and landslide hazards and soil erosion associated with development on steep or unstable slopes.
- B. Regulate development and provide special protection on lands within “conservation slope areas” and “transition slope areas” as follows:
 1. Except as exempted pursuant to Section 16.32.045, development activities on conservation slope areas are prohibited. Except as allowed by Section 16.32.040(D)(1), conservation slope areas include:
 - a. Slopes twenty-five (25) percent and greater (for designation as conservation slope area, the minimum contiguous extent for slopes twenty-five (25) percent and greater shall be one thousand (1,000) square feet);
 - b. Potentially Hazardous Analysis Areas (lands within twenty-five (25) feet of the top or toe of slopes twenty-five (25) percent and greater);
 - c. Areas containing potentially rapidly moving landslide hazard areas mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI).
 2. Within transition slope areas, conservation and development are balanced. Except as allowed by Section 16.32.040(D)(2), transition slope areas include: Slopes 15 to 24.99 percent (for designation as transition slope area, the minimum contiguous extent for slopes 15 to 24.99 percent shall be one thousand (1,000) square feet and the land must not be otherwise designated as a conservation slope area).
- C. Limit the potential residential density and facilitate transfer of development away from slope constrained lands. Within conservation slope areas and transition slope areas, a maximum density of two dwelling units per acre applies.
- D. Slope constrained lands in Happy Valley require special protection because they:
 1. Are generally more difficult and expensive to serve with urban infrastructure as compared to less steep lands;
 2. Provide wildlife habitat, tree canopy, and other environmental benefits;
 3. Are located at the headwaters of watersheds that provide clean drinking water to downstream users, including Happy Valley residents;
 4. Contribute to the scenic landscape of Happy Valley which is a strong part of the City’s identity and livability;
 5. Are often adjacent to regulated natural resource areas and/or public green spaces; and
 6. Can, if developed, cause harm to persons and/or structures via stormwater runoff, landslide, mudslide, tree windthrow and other natural actions that may pose a hazard to the public health, safety and welfare.

(Ord. 389 § 1(Exh. A), 2009)

16.32.020 Applicability.

The regulations of the steep slopes development overlay shall apply to any existing lot of record with slopes greater than fifteen (15) percent (with a minimum contiguous extent greater than one thousand (1,000) square feet), potentially hazardous analysis areas, and/or DOGAMI landslide hazard areas except as allowed by Section 16.32.040(D). This section shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit and per ORS 92.040, shall not apply to parcels or lots created within ten (10) years of April 21, 2009 but shall apply to all existing lots of record and parcels or lots created more than ten (10) years prior to April 21, 2009.

The steep slopes development overlay will be overlaid on any and all applicable parcels within the City limits at the time of development application and, upon being overlaid, will take precedence in density calculations over the base zoning district illustrated on the City's Comprehensive Plan map/zoning map, and actual site specific conditions shall take precedence over any aerial topography mapping or other non-survey specific datum. (Ord. 427 § 1, 2012; Ord. 389 § 1(Exh. A), 2009)

16.32.030 General provisions.

No person shall develop property in areas within the steep slopes development overlay without first demonstrating compliance with this section.

- A. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
- B. Where a bond, letter of credit, or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved. (Ord. 389 § 1(Exh. A), 2009)

16.32.040 Designation of buildable lands.

A. For the purposes of the SSDO, buildable lands include:

1. Lands not designated conservation slope area or transition slope area; and
2. Buildable portions of transition slope areas according to the sliding scale as described in Section 16.32.040(D), below.

B. In addition to the Happy Valley Steep Slopes and Natural Resources Overlay Zone Map, the text provisions of this section shall be used to determine whether applications may be approved within the SSDO. The following maps and documents may also be used as references for identifying areas subject to the requirements of this section:

1. Locally adopted studies or maps;
2. City of Happy Valley slope analysis maps;
3. Mapped DOGAMI potentially rapidly moving landslide hazard areas.

C. Sliding Scale. Transition slope areas are intended to provide for limited development in balance with slope protection measures, therefore, the amount of development within transition slope areas shall be based on a sliding scale of impact intended to allow limited development within those parcels that are more encumbered with sloped lands. The sliding scale determines the amount of buildable and unbuildable transition slope area for a given site as follows:

1. If a parcel has fifty (50) percent or more of its total site area in transition slope area and conservation slope area, a maximum of fifty (50) percent of the transition slope area is designated buildable and may be developed;

2. If a parcel has 20—49.99 percent of its total site area in transition slope area and conservation slope area, a maximum of forty (40) percent of the transition slope area is designated buildable and may be developed;
3. If a parcel has 0—19.99 percent of its total site area in transition slope area and conservation slope area, a maximum of thirty (30) percent of the transition slope area is designated buildable and may be developed.

D. Designation of Isolated Conservation Slope or Transition Slope Areas as Buildable. Through a Type II Environmental Review, an isolated pocket of conservation slope or transition slope Area on a property may be designated as buildable land. The applicant must demonstrate the following:

1. For Conservation Slope Areas or for areas with a combination of Conservation Slope Area and Transition Slope Area:
 - a. The contiguous extent of the area is three thousand (3,000) square feet or less;
 - b. There are no other conservation slope areas or transition slope areas within fifty (50) feet; and
 - c. The required special studies and reports have been prepared in accordance with Section 16.32.080, evaluating the site conditions and determining that the conservation slope area can be safely developed.
2. For transition slope areas:
 - a. The contiguous extent of the area is six thousand (6,000) square feet or less;
 - b. There are no other conservation slope areas or transition slope areas within fifty (50) feet; and
 - c. The required special studies and reports have been prepared in accordance with Section 16.32.080, evaluating the site conditions and determining that the transition slope area can be safely developed.

(Ord. 389 § 1(Exh. A), 2009)

16.32.045 Exceptions.

- A. An activity that avoids conservation slope areas and transition slope areas.
- B. The following activities, regardless of location:
 1. An excavation that is less than three feet in depth, or which involves the removal of a total of less than fifty (50) cubic yards of volume;
 2. A fill that does not exceed three feet in depth or a total of fifty (50) cubic yards of fill material;
 3. New construction or expansion of a structure resulting in a net increase in ground floor area of less than one thousand (1,000) square feet that does not involve grading;
 4. Emergency actions required to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property, as determined by the public works director;

5. Any land use or activity that does not require a building permit or grading permit, or land use approval; or
- C. An activity that is determined by the planning official to be reasonably similar to the exceptions listed in this section. (Ord. 389 § 1(Exh. A), 2009)

16.32.050 Permitted uses.

A. Permitted uses within conservation slope areas and unbuildable transition slope areas are limited to the following:

1. Open space and trails constructed consistent with the provisions of Title 16 of the Engineering Design and Standard Details Manual;
2. Removal of refuse and permitted fill;
3. Planting of native vegetation and removal of non-native/invasive species, dead or dying trees or vegetation that is hazardous to the public;
4. Construction, re-construction or expansion of public utilities and infrastructure (including both public roads and private streets) that is necessary to support permitted development;
5. Construction, re-construction or expansion of a single-family residence on a legal lot of record under the following prescribed conditions:
 - a. The applicant must demonstrate that the lot has received prior planning approval from either the City of Happy Valley, or if annexed, from Clackamas County, and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion;
 - b. The engineering, building permit, erosion control, water quality, and re-vegetation standards of this title have been fully satisfied;
 - c. The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation within the steep slopes development overlay area;
 - d. The maximum impervious surface coverage from development shall be three thousand five hundred (3,500) square feet. This standard may be exceeded to allow a private driveway design and location that reduces adverse impacts to protected areas if the applicant demonstrates that a longer driveway will facilitate driveway construction that will either more closely follow hillside contours, and thereby reduce overall cut and fill area by at least twenty (20) percent; or avoid tree clusters and thereby reduce by at least twenty (20) percent the number of trees (six-inch caliper at breast height or greater) that must be removed; and
6. Development shall not result in cuts or fills in excess of three feet except for basement construction unless specifically approved by the Building Official and City Engineer, and
7. Repair or stabilization of unstable slopes.

B. Permitted uses within the buildable lands, as defined by this title are limited to the following:

1. All uses within conservation slope areas; and
2. Uses permitted in the base zone in approved buildable areas.

(Ord. 389 § 1(Exh. A), 2009)

16.32.060 Platting of new parcels or lots.

No new parcel or lot shall be platted or approved for development exclusively within conservation slope areas. (Ord. 389 § 1(Exh. A), 2009)

16.32.070 Minimum buildable site size.

The minimum buildable site size shall be equal to ten thousand (10,000) square feet. (Ord. 389 § 1(Exh. A), 2009)

16.32.080 Required maps, studies, and reports.

A. Maps. To determine the location of potentially slope constrained areas, the applicant shall submit a scaled topographic map at two-foot contour intervals for the subject property (site) for lands less than fifteen (15) percent in slope, and at five-foot contours for lands fifteen (15) percent and greater in slope and for land within one hundred fifty (150) feet of the site perimeter. This map shall be prepared by a licensed, professional engineer or land surveyor and shall show:

1. Slopes of twenty-five (25) percent and greater;
2. Potentially hazardous analysis areas, including the analysis area parallel to and within twenty-five (25) feet of the top of the twenty-five (25) percent slope break and the analysis area parallel to and within twenty-five (25) feet of the toe of the slope;
3. Mapped DOGAMI potentially rapidly moving landslide hazard areas;
4. Transition slope areas; and
5. The area (in square feet) for each category listed above for the subject property.

B. Studies and Special Reports. The City Engineer may require, when known or perceived site or area circumstances indicate such particular need, the submittal of one or more of the following studies and/or special reports for any permit or development located within the SSDO. The requirement for such studies will be in writing and will be tied to specific code standards, criteria and/or requirements:

1. Studies.
 - a. Geological Assessments. Geological assessments are prepared and stamped by a Certified Engineering Geologist and describe the surface and subsurface conditions of a site, delineate areas of a property that may be subject to specific geologic hazards, and assess the suitability of the site for development. Geological assessments shall be conducted and prepared according to the requirements and recommendations of the Oregon State Board of Geologist Examiners, and shall make recommendations as to whether further studies are required, and may be incorporated into or included as an appendix to the geotechnical report;
 - b. Engineering Geology Reports. Engineering geology reports are prepared and stamped by a Certified Engineering Geologist and provide detailed descriptions of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. Engineering geology reports shall be

prepared in accordance with the requirements of the Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners and may be incorporated into or included as an appendix to the geotechnical report; and

c. Geotechnical Reports. Geotechnical reports are prepared and stamped by a Geotechnical Engineer, evaluate site conditions, and recommend design measures necessary to reduce the development risks and facilitate safe and stable development. Geotechnical reports shall be conducted and prepared according to the requirements and recommendations of the Oregon State Board of Geologist Examiners, and may be incorporated into or included as an appendix to the Engineering Geology Report.

2. Special Reports.

a. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed, professional engineer registered in Oregon shall prepare the hydrology and soils report;

b. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs, including but not limited to, locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices, shall form part of the submission. The grading plan shall also include: (i) construction phase erosion control plan consistent with the provisions of Title 15 of the City's Municipal Code; and (ii) schedule of operations. A licensed, professional engineer registered in Oregon shall prepare the grading and erosion control plan; and

c. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

C. Compliance with Study Conclusions and Recommendations.

1. Professional Standards. The City Engineer shall determine whether Geological Assessments, Engineering Geology Reports, or Geotechnical Reports have been prepared in accordance with this title. The City Engineer may require additional information or analysis necessary to meet study requirements.
2. Peer Review. The City Engineer may require peer review of any required report, in which case regulated activities and uses shall be reviewed and accepted through the peer review process before any regulated activity will be allowed. The cost of such peer review shall be borne by the applicant. If peer review is required, the City Engineer shall provide the applicant, in writing, the reasons for the peer review.
 - a. A professional or professional firm of the City's choice that meets the qualifications listed in this chapter shall perform the review.
 - b. The review shall be at the applicant's expense.
 - c. Review of report submittals shall determine whether required elements are completed, geologic report procedures and assumptions are accepted, and all conclusions and recommendations are supported and reasonable.
3. Review Criteria. The approval authority shall rely on the conclusions and recommendations of the required reports, as modified by peer review, as well as any rebuttal material supplied by the applicant, to determine compliance with this section.
4. Conditions of Approval. After review of the peer review report(s) and any rebuttal materials submitted by the applicant, conclusions and recommendations stated in approved reports shall be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.
5. Expiration. Where an approved assessment or report as defined by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall
 - submit an amendment to the required assessment or report, which may be reviewed and approved through the peer review process.

(Ord. 389 § 1(Exh. A), 2009)

16.32.090 Environmental review permit.

Development proposals that are subject to the provisions of Chapter 16.32 require an environmental review permit application. Environmental Review Permits will be reviewed through a Type II procedure, pursuant to Section 16.61.030. (Ord. 389 § 1(Exh. A), 2009)

16.32.100 Density and density transfers.

Within conservation slope areas and transition slope areas, a maximum density of two dwelling units per acre applies. Except as exempted pursuant to Section 16.32.045, development activities on conservation slope areas are prohibited. Density calculations shall be made pursuant to Section 16.63.020(F). Density may be transferred from conservation slope areas and unbuildable transition slope areas to buildable

portions of the parcel in accordance with the requirements of Section 16.63.020(F). (Ord. 389 § 1(Exh. A), 2009)

16.32.110 Site design criteria.

Development within the SSDO shall comply with the following site design criteria:

- A. Development is sited on lands less than fifteen (15) percent slope lands within the same parcel or on other parcels which are a part of the application, to the greatest degree practicable;
- B. Significant trees and other resources are protected and/or incorporated into the site design;
- C. Lands that remain undeveloped are coordinated with open space in adjacent parcels and natural resource areas, so that such areas, in combination, form as continuous an open space system as is practicable;
- D. Opportunities for linking wildlife corridors and pedestrian trails are implemented;
- E. Provision of access and internal circulation routes are as short as possible and designed to work with the natural topography, maintain minimum grades and require minimum cut and fill;
- F. Creation of open space tracts between proposed developments and existing developed parcels or open space tracts shall be coordinated so that such areas, in combination, will form as continuous an open space system as is practicable; and
- G. Opportunities for shared access are utilized wherever practicable, and if possible may be required by the City Engineer pursuant to Section 16.41.030, Vehicular access and circulation. A variance to vehicular access and circulation standards may be granted pursuant to Section 16.71.040, Class B variances. (Ord. 389 § 1(Exh. A), 2009)

Chapter 16.23.010 Mixed Use Commercial and Employment Districts

Chapter 16.23.010 of the City of Happy Valley Land Use code.

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

Table 16.23.010-1 shows the permitted uses of the MUC
(multi-use commercial), the base zone for the bank,
McDonalds and Walgreen buildings described in this letter,
showing that the MUC zone is not restricted to restaurants
and banks.

Happy Valley Municipal Code

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- [ARTICLE 16.2 LAND USE DISTRICTS](#)
- [Chapter 16.23 COMMERCIAL AND EMPLOYMENT DISTRICTS](#)

16.23.010 Mixed Use Commercial and Employment Districts.

A. Purpose.

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

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

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

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

Use	MUC	MUE	RCMU ¹
Commercial—Retail Uses			
Art and craft supply stores, studios	P	P	P
Bakeries	P	P	P
Banks, savings and loan associations, loan companies, ATMs	P	P	P
Barber shops, beauty salons	P	P	P
Bed and breakfast inns	P	P	P
Bicycle sales, supplies, repair service	P	P	P
Book stores	P	P	P

Use	MUC	MUE	RCMU ¹
Camera stores	P	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P	P	P
Drug stores	P	P	P
Dry cleaners and tailors	P	P	P
Florists	P	P	P
Hardware and garden supplies	P	P	P
Home furnishing stores	P	P	P
Gift stores	P	P	P
Grocery, food, specialty foods, and produce stores	P	P	P
Hotels	P	P	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	P	P	P
Exercise and tanning studios	P	P	P
Interior decorating shops, sales and service	P	P	P
Laundromats	P	P	P
Music shops, sales and service	P	P	P
Optometry and optical goods, sales and service	P	P	P
Photo finishing, photography studios	P	P	P
Rental stores, without outdoor storage	P	P	P
Restaurants full service	P	P	P
Restaurants—Drive-through	P	C	P
Apparel and secondhand stores	P	P	P
Service stations	C	C	C
Shoe sales and repair stores	P	P	P
Sporting goods, sales and service	P	P	P
Stationery stores	P	P	P
Taverns, bars and cocktail lounges (prohibited 1,500 feet from school uses)	C	C	C
Theaters or assembly halls	C	C	P
Yogurt and ice cream stores	P	P	P
Vehicular service	P	P	P
Veterinarian services and pet supplies	P	P	P
Video rental stores	P	P	P
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process	P	P	P
Commercial—Offices			

Use	MUC	MUE	RCMU ¹
Professional and administrative offices	P	P	P
Medical office buildings	P	P	P
Residential			
Low density	p ^{2, 3}	P	P
Medium density	p ^{2, 3}	X	P
Senior housing	P	P	P
Skilled nursing facility	P	P	P
Congregate housing	P	P	P
Home occupation (Section 16.69.020)	P	P	P
Industrial			
Manufacturing and production	X	P	C
Industrial services	X	P	X
Flex-space	X	P	X
Wholesale sales	X	P	X
Institutional			
Churches, synagogues, temples or places of worship	C	C	P
Public park, usable open space	C	C	P
Public and private schools (includes day care)	C	C	P
Commercial day care centers (adult and child care facilities)	P	P	P
Community service	P	P	P
Hospitals, including helipads ⁴	P	C	P
Civic Uses			
Libraries, post offices, community centers, etc.	P	P	P
Other			
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Wireless communication facilities	Per Section 16.44.020	Per Section 16.44.020	Per Section 6.44.020
NOTES:			
¹ Uses in the RCMU district are subject to additional standards in Section 16.23.010(D).			
² Residential uses on upper floors of mixed use buildings are permitted. In such cases, Note 3 below does not apply.			
³ Freestanding residential uses at densities greater than the minimum SFA density of ten (10) du/acre and not to exceed the maximum MUR-M2 density of thirty-four (34) du/acre (ten (10) to thirty-four (34) du/acre) may be permitted in the MUC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed twenty-five (25) percent of the MUC zoned area of the parcel or subject property.			
⁴ Subject to applicable FAA rules and regulations.			

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

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

Standard	MUC	MUE	RCMU
Residential density: ¹			
Low density (maximum)	24 du/net acre	24 du/net acre	24 du/net acre
Low density (minimum)	15 du/net acre ²	15 du/net acre ²	15 du/net acre ²
Medium density (maximum)	34 du/net acre	NA	34 du/net acre
Medium density (minimum)	25 du/net acre ²	NA	25 du/net acre ²
High density (maximum)	50 du/net acre	NA	50 du/net acre
High density (minimum)	35 du/net acre ²	NA	35 du/net acre ²
Lot size (minimum)	Variable ³	Variable ³	Variable ³
Lot width (minimum)	Variable ³	Variable ³	Variable ³
Lot depth (minimum)	Variable ³	Variable ³	Variable ³
Floor area ratio			
Nonresidential FAR (minimum)	0.25:1 ⁴	0.25:1 ⁴	0.25:1 ⁴
Nonresidential FAR (maximum)	5:1	2:1	5:1
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable ⁵	Variable ⁵	Variable ⁵
Building setbacks (minimum)	Variable ³	Variable ³	Variable ³
Building height (maximum)	65 feet ³	65 feet ³	Variable ³

NOTES:

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

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

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

⁴ Must include a shadow plan to establish future development.

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

D. Additional Standards for the RCMU District.

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

- a. The RCMU District is a planned mixed use area and is subject to the master plan requirements of Chapter 16.65 except as modified by this section.
 - b. The master plan shall include the entire Eagle Landing Plan Area (areas designated RCMU and PMU 6) as designated on Happy Valley Comprehensive Plan Map X-CRC-2.
3. Mix of Uses Required. A mix of uses is required. At a minimum, the following uses shall be accommodated within the master plan:
 - a. Five hundred eighty-four (584) dwelling units within the Eagle Landing Plan Area.
 - b. Six hundred thousand (600,000) square feet of office or commercial development within the RCMU District.
4. Phasing Plan. For multi-phased developments where the required mix of uses is proposed to be achieved in phases, a Development Phasing Plan shall be submitted as a part of the master plan application.
 - a. The Development Phasing Plan shall demonstrate:
 - i. How the required mix of uses will be provided through phasing, including the approximate locations, amount in square feet (a size range may be provided), and timing of each use.
 - ii. How on-site circulation, parking, landscaping and other on-site improvements will function, after the completion of each phase and following complete build-out of the development site.
 - iii. If a size range(s) for a use(s) is provided, the Development Phasing Plan shall demonstrate how both the minimum and maximum amounts enabled by the range meet the requirements of this section.
 - b. The Development Phasing Plan shall also identify in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.
5. Development Standards. The master plan for the Eagle Landing Plan Area shall be designed to implement the policies and elements of the adopted Clackamas Regional Center Area Design Plan. In addition, the master plan and subsequent development within the RCMU District shall be subject to the following standards:
 - a. Buffering. When existing residential uses are located adjacent to a RCMU master plan site, such uses shall be buffered from the RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in the RCMU master plan.
 - b. Access and Circulation. Circulation on site must meet the minimum requirements shown on the Urban Design Elements map, and in addition:
 - i. Internal Circulation. An internal circulation system shall include a network of public, private and internal streets. Private streets shall function like local streets, with curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county or public streets. This internal street network shall create developable sites defined by streets. In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.
 - ii. Driveways. Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.
 - iii. On-Street Parking. Parking in the travel way may be provided on private or internal streets. This parking will not count as surface parking under the maximum parking ratio requirements of

Section 16.43.030, but may be counted toward minimum parking requirements.

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

public facility improvements to implement the Clackamas Regional Area Plan. Such improvements include, but are not limited to, the following:

- i. Road dedications and improvements;
 - ii. Traffic signals;
 - iii. Transit facilities;
 - iv. Sidewalks, crosswalks, bump-outs and other pedestrian improvements;
 - v. Storm drainage facilities;
 - vi. Sewer and water service lines and improvements;
 - vii. Underground utilities;
 - viii. Street lights;
 - ix. Street trees, landscaping; and
 - x. Open space, greenways, plazas and parks.
- k. Maintenance Mechanisms. The city may require the formation of a maintenance agreement or other suitable mechanism to assure that the following maintenance responsibilities are adequately addressed:
- i. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
 - ii. To maintain landscaping, street furniture, storm drainage and similar streetscape improvements developed in the public right-of-way.
- l. Open Space. Master plans shall contain a minimum of ten (10) percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
- i. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
 - ii. The open space shall be conveyed in accordance with one of the following methods:
 - (A) By dedication to a public agency as publicly owned and maintained open space. Open space proposed for dedication must be acceptable to the planning official with regard to the size, shape, location, improvement, environmental condition;
 - (B) By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the city.
- m. Other Applicable Provisions. With respect to the adjacent properties lying south of the proposed RCMU District and east of SE Stevens Road ("Adjacent Properties"), the provisions of the following Clackamas County land use decisions, including conditions of approval, which benefit the adjacent properties and apply or relate to buffering, required setbacks, drainage, and location of any bicycle and pedestrian path, shall remain in effect. The master plan and subsequent development within the RCMU District shall comply with those provisions.
- i. Comprehensive Plan and Zone Change, File Nos. Z0531-98-CP/Z0532-98-Z, dated December 23, 1998;
 - ii. Modification of Conditions of Approval of Comprehensive Plan Amendment and Zone Change, Order No. 2203-29, File No. Z0802-02-CP, Z0803-02-Z, dated February 20, 2003;
 - iii. Decision on Master Plan Review, File No. Z0227-03-AA (Eagle Landing), dated May 29, 2003;

- iv. Final Order for Eagle Landing Golf Clubhouse, Case No. Z0840-03-SL, dated February 25, 2004;
- v. Final Plat Approval for Eagle Landing PUD as evidenced by the Plat of Eagle Landing filed in Plat Book 126, Page 018, Document No. 2004 60414; and
- vi. Final Order on Remand Approving Mt. Scott Village (now known as Eagle Landing Phase II), File No. Z0563-99-SL, dated April 23, 2003.
- n. Design Review. New development in the district shall be subject to Chapter 16.62, Design Review (including Section 16.46.010 and Appendix B, Happy Valley Style).

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

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16.43.030

Automobile parking standards

Chapter 16.43.030 of the City of Happy Valley Land Use Code

This includes Table 16.43.030-1 (Parking Standards)

Table 16.43.030-1 shows the minimum parking spaces
required for each building type

Happy Valley Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 16 LAND DEVELOPMENT CODE](#)[ARTICLE 16.4 COMMUNITY DESIGN STANDARDS](#)[Chapter 16.43 PARKING AND LOADING](#)**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. **No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Commission or appropriate and designated body or agent.**
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, impeded 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 the fraction shall be rounded down 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
		Zone A	Zone B	
Residential				

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces
		Zone A	Zone B	
Single-family detached	2 per dwelling			None required
Single-family attached	2 per dwelling ³			None required
Duplexes, triplexes, fourplexes	2 per dwelling ³			None required
Manufactured home park	2 per dwelling			None required
Multifamily dwellings containing five or more units ⁴				
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)			75% of bicycle parking in multi-family development shall be covered.
Congregate housing, retirement homes, intermediate care facilities	1 per 3 beds plus 1 space per employee on the largest work shift			1 per 5 beds
Residential care facilities	1 per 4 beds plus 1 space per employee in the largest work shift	2 per unit +.50 per bed	2 per unit +.50 per bed	1 per 5 beds
Community Services, Institutional and 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
Community recreation buildings/covered picnic areas	1 per 250 sq. ft., or 1 space per four patrons to the maximum capacity, plus one space per employee on the largest shift			0.3 spaces per 1,000 sq. ft. of floor area
Church, chapel, auditorium	1 per 4 fixed seats or 6 linear feet of bench length or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats			1 space per 40 seats or 1 space per 60 linear feet of bench seating
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 covered
Lodge, fraternal and civic assembly with/or without eating and drinking facilities	1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats			2 or 1 per 20 vehicle spaces
Hospitals and medical centers	1 per 500			0.2 spaces per 1,000 gross sq. ft.

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces
		Zone A	Zone B	
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
Schools				
Day care/small school	1 per employee and 1 per five students			1.5 spaces per classroom
Preschool/kindergarten	2.5 per 1,000 sq. ft. gross floor area			1.5 spaces per classroom
School—Elementary	2 per classroom, plus recreation facilities, if applicable			2 spaces per classroom
School—Middle school/junior high	2 per classroom, plus recreation facilities, if applicable			4 spaces per classroom
School—Senior high	0.6 per 1,000 sq. ft. gross floor area, plus recreation facilities, if applicable			4 spaces per classroom
School—Vocational or college	3 per 1,000 sq. ft. of gross floor area, plus recreation facilities, if applicable			0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which residential facility standards apply)
Commercial Uses				
Retail sales, general and personal services	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
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
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
Grocery stores	2.9 per 1000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.33 spaces per 1,000 sq. ft. of gross floor area
Convenience market	2.3 per 1,000 sq. ft. of gross floor area			2 spaces per 1,000 sq. ft. of gross floor area
Restaurant (with drive-through)	9.9 spaces per 1,000 sq. ft. of gross floor area	19.1 per 1,000 sq. ft.	23.0 per 1,000 sq. ft.	1 space per 1,000 sq. ft. of gross floor area
Restaurant without drive-through	11 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
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

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces
		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.)			0.4 spaces per 1,000 sq. ft. of gross floor area
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
Service station	3 spaces plus 2 spaces per service bay, if any			2 spaces or 0.2 per 1,000 sq. ft. of gross floor area whichever is greater
Service station with convenience market with gas pumps	2.3 spaces per 1,000 sq. ft. of gross floor area			2 spaces or 0.2 spaces per 1,000 sq. ft. of gross floor area, whichever is greater
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
Bank (with drive-through)	4.3 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area
Bank without drive-through	5 per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area
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
Warehousing, freight movement distribution, and storage	0.5 space per 1,000 sq. ft. of gross floor area (if less than 150,000 sq. ft. of floor area)			0.1 space per 1,000 sq. ft. of gross floor area
	0.3 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area)			
Wholesale, retail sales	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area
Industrial, commercial services	0.8 space per 1,000 sq. ft. of gross floor area			0.1 space per 1,000 sq. ft. of gross floor area

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces
		Zone A	Zone B	
Office (relating to industrial uses)	2.7 spaces per 1,000 sq. ft. of gross floor area			0.5 space per 1,000 sq. ft. of gross floor area

NOTES:

¹ Parking maximums are based on A and B Zone designations, pursuant to Metro Functional Plan Title 2, Regional Parking Policy, and as listed in the Regional Parking Ratios 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 without drive-through.

³ Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by this subsection.

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 and two-family dwellings, 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. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties.

c. Light elements shall be shielded and shall not be visible from abutting residential properties.

d. 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 sub-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 subcompact 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.

(Ord. 443 § 1, 2013; Ord. 427 § 1, 2012; Ord. 411 § 1, 2011; Ord. 406 § 1, 2010; Ord. 389 § 1(Exh. A), 2009)

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