

**Planning Commission**

16000 SE Misty Drive
Happy Valley, OR 97086

PUBLIC HEARING (ID # 2208)

3.1

Meeting: 10/13/20 06:00 PM**Department:** Economic and Community Development**Category:** Public Hearing**Prepared By:** Michael Walter**Presented By:** Michael Walter**Department Head:** Michael Walter

DOC ID: 2208

LDC-03-20 (Administrative Amendments)

Proposed amendments to Title 6 (Animals); Title 12 (Streets, Sidewalks and Public Places); and, Title 16 (Land Development Code) represent City initiated amendments to the Happy Valley Municipal Code (HVMC), including recommendations from the City Council on small cell and chicken-raising regulations. In addition, the proposed changes are presented as responses to issues identified by the wireless facilities industry; city staff; or responses to issues identified by property owners and/or their representatives, consultants and legal counsel.

ATTACHMENTS:

- ATT 1 - LDC-03-20 PC Staff Report (DOCX)
- EXH A - Draft Administrative Amendments (DOCX)
- EXH B - Published Newspaper Notice (updated) (DOCX)

Mayor
Honorable Tom Ellis

City Manager
Jason A. Tuck, ICMA-CM



**CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION**

OCTOBER 13, 2020

MUNICIPAL CODE AMENDMENTS – ADMINISTRATIVE AMENDMENTS

FILE NUMBER: LDC-03-20

I. GENERAL INFORMATION:

The following proposed amendments to Title 6 (Animals); Title 12 (Streets, Sidewalks and Public Places); and, Title 16 (Land Development Code) represent City initiated amendments to the Happy Valley Municipal Code (HVMC), including recommendations from the City Council on small cell and chicken-raising regulations. In addition, the proposed changes are presented as responses to issues identified by the wireless facilities industry; city staff; or responses to issues identified by property owners and/or their representatives, consultants and legal counsel.

EXHIBITS:

- A. Proposed Municipal Code Amendments
- B. Published Newspaper Notice

BACKGROUND:

The subject amendments are proposed as a major amendment to Title 12 to implement federal requirements and governance of small cell wireless facilities and minor miscellaneous changes to various sections of the HVMC, including but not limited to: the raising of livestock/fowl, environmental review and minor design review.

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II. FINDINGS OF FACT

1. The following Statewide Planning Goals are applicable to the subject request:

“GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The City, through the public hearings process, has created proper procedures to ensure citizens the opportunity to have input in any proposed HVMC amendments. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal was published in the newspaper. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City’s adopted procedures.

2. The following Sections from Title 16 of the City’s Municipal Code (Land Development Code) are applicable to this request:

“16.67.015 Initiation of a plan amendment.

[...]

B. Amendments to the Land Development Code. An amendment to any chapter or section of this title for the purpose of adding or deleting words or subjects, broadening or narrowing scope, providing direction, clarification or improvement of the Development Code may be initiated by any person or persons, including the City itself. See Sections 16.67.020 and 16.67.030 of this chapter.

Staff Response:

The proposed amendments are initiated by city staff. Therefore, this criterion is satisfied.

16.67.020 Legislative amendments.

Legislative amendments are policy decisions made by City Council. Except in the case of expedited annexation, they are reviewed using the Type IV procedure in Section 16.61.050 and shall conform to the Transportation Planning Rule provisions in Section 16.67.060, as applicable.”

Staff Response:

The proposed amendments are legislative in nature, and will require final approval by the City Council. The process utilized for review of the proposed amendments is a Type IV procedure, and the provisions of the Transportation Planning Rule do not apply to any of the proposed amendments. Therefore, this criterion is satisfied.

III. RECOMMENDATION

The proposed amendments represent more efficient ordinance language that will improve the City's review process and procedures and are reflective of ongoing issues within the city limits as related to the proposed Title 6, 12 and 16 review procedures. Therefore, staff recommends that the Planning Commission forward a recommendation of approval of LDC-03-20 (Administrative Amendments) to the City Council.

6.04.060 Animal runs, pens, cages.

A. No person may construct, locate or maintain animal runs or barns, chicken or fowl pens on the front half of a lot or closer than seventy (70) feet from the front property line, whichever is greater, or closer than one hundred (100) feet from any residence other than the residence of the owner. All other chicken or fowl raising shall be per the requirements of Section 16.44.070 (Agricultural use regulations) of this title.

B. Animals, chickens and/or fowl shall be properly caged or housed and proper sanitation maintained at all times. All animal or poultry food, except fodder, shall be stored in metal or other rodent-proof containers. (Ord. 362 § 2, 2007: Ord. 80 § 4.2, 1981)

[...]

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.04 ROAD STANDARDS

Chapter 12.05 UTILITY FACILITIES IN PUBLIC RIGHTS-OF-WAY

Chapter 12.06 SMALL CELL WIRELESS FACILITIES

Chapter 12.08 ROAD NAMES AND STREET ADDRESSES

Chapter 12.16 PARKS

[...]

SMALL CELL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY

12.06.010 Title

The ordinance codified in this chapter shall be known and may be referenced as the “small cell ordinance.”

12.06.020 Purpose and Scope

- (A) Purpose. The purpose of this Chapter is to establish reasonable and nondiscriminatory policies and procedures for the placement of small wireless facilities in rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and reasonable aesthetic qualities of the City rights-of-way and the City as a whole.
- (B) Intent. In enacting this Chapter, the City is establishing uniform standards consistent with federal law to address the placement of small wireless facilities and associated poles in the rights-of-way, including without limitation, to manage the public rights-of-way in order to:
 - (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 - (2) prevent the creation of obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - (3) prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
 - (4) protect against environmental damage, including damage to trees;
 - (5) preserve the character of the community, historic districts or areas with decorative poles; and
 - (6) facilitate technology advancements, such as deployment of small wireless facilities, to provide the benefits of wireless services.

12.06.030 Definitions

- (A) **“Antenna” means the same as defined in 47 Code of Federal Regulations (C.F.R.) §1.6002(b), as may be amended or superseded.** The term includes an apparatus designed for the purpose of emitting radio frequencies (RF) to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.
- (B) **“Antenna Equipment” means the same as defined 47 C.F.R. §1.6002(c), as may be amended or superseded, which defines the term to mean equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.**
- (C) **“Antenna Facility” means the same as defined in 47 C.F.R. §1.6002(d), as may be amended or superseded, which defines the term to mean an antenna and associated antenna equipment.**
- (D) **“Applicable codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or state or local amendments to those codes that are of general application and consistent with state and federal law.**
- (E) **“Applicant” means any person who submits an application as or on behalf of a wireless provider.**
- (F) **“Application” means requests submitted by an applicant (i) for permission to collocate small wireless facilities; or (ii) to approve the installation, modification or replacement of a structure on which to collocate a small wireless facility in the rights-of-way, where required.**
- (G) **“City Structure” means a structure owned by the City of Happy Valley and for purposes of this Chapter, means structures located in the rights-of-way within the City’s jurisdictional boundaries that are owned, managed or operated by the City or any subdivision or instrumentality thereof, including electric utilities. The definition includes, but is not limited to streetlights, traffic signals, utility poles, free-standing poles and similar structures.**
- (H) **“Collocate” means the same as defined in 47 C.F.R. § 1.6002(g), as may be amended or superseded, which defines that term to mean (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. “Collocation” has a corresponding meaning.**
- (I) **“Day” means calendar day. For purposes of the FCC shot clock, a terminal day that falls on a holiday or weekend shall be deemed to be the next immediate business day. Shot clock provisions that apply to small wireless facilities are codified in 47 C.F.R. Section 1.6003.**
- (J) **“Decorative pole” means a city structure that is specially**

- designed and placed for aesthetic purposes.**
- (K) **“Permissions” means local franchise agreements, right-of-way permits, engineering permits, building permits and if applicable, land use permits.**
- (L) **“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.**
- (M) **“Pole” means a type of structure in the rights-of-way that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities; provided, such term does not include a tower, building or electric transmission structures.**
- (N) **“Rights-of-Way” or “ROW” is as defined in Chapter 16.12 (Definitions) of this Title.**
- (O) **“Routine Maintenance” means inspections, testing, repair, and modifications subject to C.F.R. Section 6409(a) that maintain functional capacity, aesthetic and structural integrity of a small wireless facility and/or the associated pole or structure.**
- (P) **“Small wireless facility” means a facility that meets each of the following conditions per 47 C.F.R Section 1.6002(l), as may be amended or superseded:**
 - (1) **The facilities (i) are mounted on structures 50 feet or less in height including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and,**
 - (2) **Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and,**
 - (3) **All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and,**
 - (4) **The facilities do not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).**
- (Q) **“Structure” means the same as defined in 47 C.F.R. Section 1.6002(m), as may be amended or superseded, which defines that term as a pole, tower, or base station, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of service).**
- (R) **“Wireless Infrastructure Provider” means any person, including a person authorized to provide communications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities, but that is not a wireless services provider.**
- (S) **“Wireless Provider” means a wireless infrastructure provider or a wireless services provider.**

(T) “Wireless Services Provider” means a person who provides personal wireless services (whether or not it is comingled with other services).

12.06.040 Permitted Use; Application and Fees

(A) Permitted Use. The following uses within the rights-of-way shall be a permitted use, subject to compliance with the applicable design standards found within the City’s Engineering Design Standards Manual and are subject to administrative review only and issuance of a permit as set forth in this Chapter:

- 1) Collocation of a small wireless facility; and,
- 2) Placement of a new, modified, or replacement pole to be used for collocation of a small wireless facility.

(B) Permissions Required. Except as otherwise provided in this Chapter, no person shall place any small wireless facility described in Section (A), above, in the rights-of-way, without first filing an application for the facility and obtaining necessary City permissions.

(C) Application Requirements. All applications shall follow the adopted City requirements for the pertinent permissions.

(D) Routine Maintenance and Replacement. An application shall not be required for: (1) routine maintenance; or (2) the replacement of a small wireless facility with another small wireless facility that is the same, substantially similar or smaller in size and weight and height. The City may require a permit for work within the right of way. Such a permit must be issued to the applicant on a non-discriminatory basis upon terms and conditions applied to any other person performing similar activities, regardless of technology, in the rights-of-way.

(E) Information Updates. Any amendment to non-material information contained in an application shall be submitted in writing to the City within 30 days of the change.

(F) Application Fees. Application fees shall be set by the City’s Master Fee Schedule.

12.06.050 Action on Administrative Permit Applications Subject to this Chapter.

(A) The City must process all applications on a nondiscriminatory basis and may deny an application subject to this Chapter if the proposed small wireless facility or new, modified, or replaced pole:

- (1) Materially and demonstrably interferes with the safe operation of traffic control equipment;
- (2) Materially and demonstrably interferes with sight lines or clear zones for transportation or pedestrians;
- (3) Materially fails to comply with the Americans with Disabilities Act or similar federal, state, or local laws, standards and regulations regarding pedestrian access or movement;
- (4) Fails to comply with applicable codes, standards and regulations, including the City’s design standards; or
- (5) Fails to comply with the provisions in this Chapter.

- (B) The City must act on an application within the applicable shot clock provisions as codified in 47 C.F.R. Section 1.6003 and provide written notice to the applicant if the application is denied. The written notice shall state the reasons for denial, with reference to specific code provisions, ordinance, application instruction or otherwise publicly-stated procedures on which the denial was based, and be sent to the applicant within five days after the City denies the application or before the applicable FCC shot clock expires, whichever occurs first.

12.06.060 Small Wireless Facilities in the ROW; Maximum Height; Other Requirements

- (A) Maximum Size of Permitted Use. Any wireless provider that seeks to install, modify, or replace facilities on a pole in the rights-of-way that exceeds the height limits contained in Section 2(P)(1), shall be subject to applicable requirements of 16.44.020 “Wireless communications facilities.”
- (B) Decorative Poles. Subject to this code and applicable design standards, a wireless provider is permitted to collocate on or replace a decorative pole when necessary to collocate a small wireless facility; provided that any such replacement pole shall, to the extent feasible, replicate the design of the pole being replaced.

12.06.070 Effect of Construction/Work Permit

- (A) Authority Granted. No Property Right or Other Interest Created. A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Chapter and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way. A permit from the City does not grant a right-of-way license or right to provide services.
- (B) Permit Duration.
- (1) A permit for construction granted pursuant to this Section shall be valid for the period of time associated with the public right-of-way permit, engineering permit or applicable building permit after issuance unless the City agrees to extend this period for good cause, including but not limited to delay caused by the lack of commercial power or communications facilities, or by other events outside of the reasonable control of the wireless provider.
 - (2) The installed facility is subject to applicable relocation requirements, termination for material non-compliance after notice and a reasonable opportunity to cure, and an applicant's right to terminate a permit at any time.

12.060.080 Removal, Relocation or Modification of Small Wireless Facility in the public right-of-way.

- (A) Notice. The City shall provide the applicant reasonable advance notice, but no less than 30 days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position

- of any small wireless facilities within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way. These public improvements may be constructed by the City or another entity.
- (B) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City in the event of an emergency, as the City may determine to be necessary, appropriate or useful in response to any imminent danger to public health, safety, or property. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider promptly after cutting or removing a small wireless facility.
- (C) Abandonment of Facilities. Abandonment of small cell wireless facilities shall mirror those found in the requirements of Section 16.44.020(D)(4) of the City's Municipal Code.
- (D) Damage and Repair. The City may require a wireless provider to repair all damage to the rights-of-way directly caused by the activities of the wireless provider and return the rights-of-way to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications. If the wireless provider fails to make the repairs within 60 days after written notice, the City may affect those repairs and charge the applicable party the actual, documented cost of such repairs.

12.06.090 Collocation on City Structures in the ROW

- (A) Collocation on City Structures. Small wireless facilities may be collocated on city structures in the rights-of-way pursuant to this Chapter. No person will be permitted an exclusive arrangement or an arrangement which excludes otherwise qualified applicants to attach to city structures in the rights-of-way. A person who purchases or otherwise acquires a City structure is subject to the requirements of this section.

12.06.100 Rates for ROW and Collocation on City Structures in the ROW

- (A) The recurring rate for use of the ROW and attachment of small wireless facilities to a city structure in the ROW shall be subject to the City's Master Fee Schedule which adopted and update via City Council Resolution.

[...]

16.12.030 Definitions.

[...]

Slope. The “slope” of a lot is calculated pursuant to Chapter 16.32.

Small cell facility. Wireless communication facilities and associated electronics and equipment designed to deliver wireless communication service and attached to a support structure or utility structure,

~~meeting size limitations defined herein, and operating as part of a small-cell network. Small-cell panel antennas shall be no taller than two feet high, small-cell omni antennas shall be no taller than four feet high and no wider than the diameter of the support structure, small-cell microwave dishes shall be no larger than two feet in diameter and shall not protrude more than six feet horizontally from utility structures or other support structures within the public right-of-way to which they are attached. Auxiliary support equipment associated with any small-cell facility shall be no larger than seventeen (17) cubic feet in size.~~

Small cell network. A collection of functionally related small cell facilities designed to deliver wireless communication service. The small cell facilities in a small cell network may be located on one or more utility structures or support structures within and/or outside of the public right-of-way.

Small cell wireless facilities. As defined by the Federal Communications Commission (CFR 1.1312.e.2), facilities that meet the following conditions:

- A. The facilities are mounted on structures 50 feet or less in height including their antennas (as defined in CFR 1.1320.d);
- B. The facilities are mounted on structures no more than 10 percent taller than other adjacent structures;
- C. The facilities do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- D. Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;
- E. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure is no more than 28 cubic feet in volume;
- F. The facilities do not require antenna structure registration under part 17 of 47 CFR; and,
- G. The facilities do not result in human exposure to radio-frequency radiation in excess of applicable safety standards specified in CFR 1.2307.b.

[...]

Chapter 16.34 NATURAL RESOURCES OVERLAY ZONE

16.34.030 Exemptions.

[...]

C. Development of a property that has previously satisfied the mitigation and conservation easement requirements of this chapter or a residential property that was platted prior to September 29, 2005, may proceed in areas outside of the boundaries of the recorded conservation easement or open space tract without further review. Uses listed as exempt pursuant to a recorded conservation easement shall also be exempted from application of this chapter.

[...]

16.44.020 Wireless communications facilities.

[...]

- 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 Cell 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 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 cell facilities, on an existing support tower, support structure, or utility structure;
 - b. Second priority: collocation of an antenna or antenna array, including small cell 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 Cell Wireless Facilities (<u>located outside of the public right-of-way</u>)	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 cell <u>wireless facilities</u> 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 cell facilities are permitted in all zones within and/or outside of the public right-of-way, per the size requirements found within the Section 16.12.130 (Definitions) section, above. Small cell facilities located within the public right-of-way are further subject to Chapter 12.06 (Small Cell Wireless Facilities) of the City's Municipal Code.

- c. The siting of new speculation support towers is prohibited in all zones.

[...]

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 ~~A~~animal runs or barns and ~~chicken~~ or ~~fowl~~ 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 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, P**rocessing, selling (retail and wholesale), and/or distribution of agricultural products raised on-site **are subject to the laws of the State of Oregon.**

[...]

16.62.020 Review types and applicability.

A. Review Types.

- Type I land use review/minor design review is conducted by the Planning Official or designee without a public hearing. See Chapter 16.61 for review procedure. It applies to changes in land use and developments that do not require a conditional use permit or Type

II/Type III minor/major site design review approval. Type I land use review/minor design review is designed to ensure compliance with clear and objective land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, design standards and other objective provisions of Article 16.2. **The Type I land use review/minor design review is accommodated by the Planning Official or designee's review of building permit and site plan materials.**

2. As specified in Table 16.62.020-1, minor design review is conducted by either the Planning Official or designee as either a Type I or a Type II decision or as a Type III decision by the Hearings Officer in a public hearing (Type III-HO). Architectural review comments are provided by a contracted, licensed, professional architect. See Chapter 16.61 for review procedure. A Type III-HO review in particular is intended for moderately sized, more complex developments that require more detailed review of the proposed design and the exercise of both objective and subjective decision making in the design review process. When a land use application is received, the Planning Official shall determine the appropriate design review process.

3. Major design review is conducted by the Design Review Board (Type III-DRB) at a public hearing. Major design review is intended for larger, significantly more complex developments that require more detailed review of the proposed design and the exercise of both objective and subjective decision making in the design review process as specified in Table 16.62.020-1.

**NOTICE OF PUBLIC HEARING
City of Happy Valley Planning Commission and City Council**

Notice is hereby given that the City of Happy Valley Planning Commission and City Council will hold public hearings on the following dates regarding proposed amendments to Title 6 (Animals); Title 12 (Streets, Sidewalks and Public Places); and, Title 16 (Land Development Code) of the City's Municipal Code.

Date & Time:	Planning Commission, October 13, 2020 at 6:00 p.m. City Council, November 17, 2020 (updated) at 7:00 p.m.
Hearing Location:	City Hall, 16000 SE Misty Dr. Happy Valley, OR 97086 (via Zoom)
File & Subject:	LDC-03-20 (Administrative Amendments)
Proposal:	Administrative Amendments covering a variety of areas and issues pertaining to chickens, small cell wireless facilities and miscellaneous amendments.
Location:	City Wide
Applicant:	City of Happy Valley
Applicable Criteria:	Applicable Statewide Planning Goals and Sections of Chapter 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments) of Title 16 (Development Code) of the City of Happy Valley Municipal Code.
Staff Contact:	Michael D. Walter, AICP, Economic & Community Development Director 503-886-8439

Interested parties are invited to attend this hearing (via Zoom) or to submit comments in writing prior to the meeting time. Written testimony may be submitted in advance or in person at the hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak after presentation of the reports.

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria and may be appealed to the Land Use Board of Appeals. Failure to raise an issue in writing prior to or before the close of the written comment period or failure to provide sufficient specificity at the public hearing to afford the decision-making body an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The applicant and any person who submits written comments shall receive notice of the decision.

The failure of the applicant to raise constitutional or other issues relating to proposed amendments without sufficient specificity to allow the decision-making body to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available electronically while City Hall remains closed to the public during Covid-19. For additional information, contact Michael D. Walter, AICP, Economic & Community Development Director, at the above phone number or write to michaelw@happyvalleyor.gov.