



AGENDA

MOLALLA CITY COUNCIL MEETING
September 27, 2017
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

Mayor Jimmy Thompson

Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo

Councilor Glen Boreth
Councilor Cindy Dragowsky
Councilor Keith Swigart

6:30 PM - WORK SESSION BEFORE MEETING

The Council has adopted Public Participation Rules. Public comment cards are available at the entry desk. Request to speak must be turned into to the Mayor prior to the start of the regular Council meeting.

7:00 PM - REGULAR SESSION OF CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Convene Regular Meeting and Roll Call
- B. Pledge of Allegiance

2. PUBLIC COMMENT

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments, but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

3. CEREMONIES, PROCLAMATIONS & PRESENTATIONS

- A. Introduction-New Public Works Operations Supervisor
- B. Planning Commission Appointments

4. ADOPTION OF THE AGENDA

5. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the August 23, 2017 City Council Regular Meeting

6. PUBLIC HEARINGS

- A. 1ST Reading of Ordinance No. 2017- 08 New Development Code

7. GENERAL BUSINESS

- A. Resolution 2017-12 Consenting To The Transfer Of Control Related To The Cable Franchisee Wavedivision VII, LLC With Conditions.
- B. 1st Reading of Ordinance 2017- 09 Amending Section 1.02.240 of the Molalla Municipal Code Related To the Authorization of Expenditures.
- C. Resolution 2017-13 Reauthorizing the Molalla Enterprise Zone.

8. REPORTS AND ANNOUNCEMENTS

- A. City Manager and Staff
- B. City Councilors
- C. Mayor

9. ADJOURN

Agenda posted at City Hall, Senior Center, Library, City Website at <http://www.cityofmolalla.com/meetings>, and Facebook. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.

**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
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Wednesday August 23, 2017**

ATTENDANCE: Mayor Jimmy Thompson, Councilor Leota Childress, Councilor Glen Boreth, Councilor Elizabeth Klein, Councilor Keith Swigart, Councilor Delise Palumbo, Councilor Cindy Dragowsky.

STAFF IN ATTENDANCE: Dan Huff, City Manager, Present; Gerald Fisher, Public Works Director, Present; Sadie Cramer, City Recorder, Present; Chaunee Seifried, Finance Director, Present; Rod Lucich, Police Chief, Present; Chad Jacobs, City Attorney, Present.

COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

Chief Rod Lucich presented to the Molalla City Council the following members of his department as a new hire or promotion to be sworn in by Mayor Thompson and received by the Council and citizens of Molalla.

- A) Michael Boyd – Detective (New Hire)
- B) Curtis Kessler – Officer (New Hire)
- C) Robert Call – Sergeant (Promotion from Officer)
- D) Frank Schoenfeld – Lieutenant (Promotion from Sergeant)

Frank Walker, Salem, OR. Mr. Walker is a land planning/development consultant and he came to drop off a letter to the City Council regarding the urban growth boundary. He will return in two weeks to discuss.

MINUTES

Councilor Boreth made the motion to approve the presented amended minutes of August 9, 2017. Councilor Klein seconded. Motion carried (7-0), all ayes.

NEW BUSINESS

TSP Project Advisory Committee Appointments: The City has begun the update to the Transportation Master Plan. Earlier this month, staff advertised for Project Advisory Committee (PAC) positions and encouraged representatives of the community to complete an application for appointment to the PAC. Applications received from two industrial representatives, one commercial representative, one residential/HOA representative, one planning commission representative, and two City Council appointments. Councilor Boreth made a motion to direct the Mayor to appoint the current application pool to the PAC and leave the enrollment period open through September 21 for any additional applicants. Councilor Swigart seconded. Motion carried (7-0), all ayes.

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Amendment to the Municipal Code Related to Authorization of Expenditures: Discussion item only regarding potential future Council rule amendment regarding the expenditure limits for City Manager / Department heads. The City Attorney has drafted potential Council rule amendments for review and discussion. Council directed staff to bring this back in an action formant for a future meeting.

PUBLIC HEARING

Councilor Boreth made a motion to open the public hearing to accept oral and written public testimony regarding a proposed Ordinance vacating a portion of Shirley Street in public right-of ways. Property description noted in the public notice. Councilor Swigart seconded. Motion carried (7-0), all ayes.

Frank Scott, Patrol Street, his property backs up to Bohlander field and he was concerned how this affects his property and what does the City mean by vacation. CM Huff explained the property is on the north side of Shirley Street and not connected to Bohlander or his property. CM Huff continued with an explanation of what it means to “vacate” a property.

Councilor Boreth made a motion to close the public hearing. Councilor Swigart seconded. Motion carried (7-0), all ayes.

ORDINANCE

- **2017-07 – AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT OF WAY LOCATED WITHIN THE CITY LIMITS AND BEING A PORTION OF SHIRLEY STREET IN THE CITY OF MOLALLA, OREGON IN THE COUNTY OF CLACKAMAS**

Those portions of Shirley Street and Cole Street in the City of Molalla, Molalla County, Oregon, described in metes and bounds on Exhibit “A” attached hereto is hereby declared to be vacated, for the length of the vacated right of way, except for the public retention of a perpetual public utility easement for the use, maintenance, repair and replacement of any existing public utility now located under or above the vacated street area, if any.

Title to the vacated portions of Shirley Street and Cole Street shall devolve to the property owner whose lands border the vacated area pursuant to ORS 271.140.

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A certified copy of this Ordinance shall be filed with the Clerk of Clackamas County in accordance with ORS 271.150.

Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

First reading by title only for ordinance 2017-07 made by Councilor Boreth. Councilor Childress seconded. Mayor Thompson read the title only. Motion carried 7-0.

Second reading by title only for ordinance 2017-07 made by Councilor Boreth. Councilor Palumbo seconded. Mayor Thompson read the title only. Motion carried 7-0.

Councilor Boreth made the motion to adopt Ordinance 2017-07. Councilor Dragowsky seconded. Motion carried 7-0.

STAFF AND COUNCIL REPORTS

FD Seifried gave a report of the utility billing audit and the application returns.

PWD Fisher reported on the Town Hall meeting for a street maintenance fee. The meeting will be September 20, 2017 and information and notifications will go out in the paper, website, at the library and City Hall before the meeting. Current projects status updated. Discussion about effluent water classes and distribution.

CM Huff distributed the House Bill 2017 highway repair list. In addition, the library had a very successful eclipse event that drew people from all over to Molalla.

Councilor Boreth welcomed the new police staff and is very impressed with their experience and credentials. Welcome to the newly appointed PAC members, this will be in important committee.

Councilor Childress reported on the importance of information / project status exchange with the Chamber of Commerce to give to their membership. This will be another important way of getting information out to our citizens.

Councilor Klein reported back to the Council about the C4 retreat. Discussion about C4 agenda regarding transportation and housing. Considering a County-wide housing needs assessment.

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Motion to close the regular meeting and enter into an executive session made by Councilor Boreth. Councilor Swigart seconded. Motion carried (7-0), all ayes at 8:17pm.

EXECUTIVE SESSION

The Molalla City Council will meet in executive session held pursuant to Oregon Public Record Law under ORS 192.660 (2)(H) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed to consider information and records that are exempt by law from public.

Motion to adjourn made by Councilor Klein. Councilor Boreth seconded. Motion carried (7-0), all ayes at 9:52 pm.

Dan Huff, City Manager

Jimmy Thompson, Mayor



Item #6A Attachment a
Planning & Community Dev.
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 759-0219
communityplanner@cityofmolalla.com

Staff Report

To: Molalla City Council
From: Community Planner - Aldo Rodriguez
Via: City Manager
Subject: New City of Molalla Development Code Adoption
Date of Hearing: September 27, 2017

Background

The City of Molalla Development Code was developed through collaborative process involving a team of stakeholder from the community and included community meetings for public input. The foundation of this code is based on of the State of Oregon Model Development Code for Small Cites. This code provides a layout for communities based on current and future needs. The team of City stakeholders (Citizen Code Committee) met twice at two different stages during the shaping of this code. They were given the opportunity to provide comments/concerns from the first draft to the last draft. Each time the Project Management Team (PMT) took into consideration each comment when shaping this code. In addition the process included community meetings (March 10, 2016 & March 20, 2017) to allow the public to join the conversation in offering comments to help create a code shaped for Molalla. The proposed code serves as an amendment to the current City's Development Code and provides compatibility to the comprehensive plan, adopted in the 2014.

Planning Commission Recommendation:

The Planning Commission held a public hearing regarding this request on August 2, 2017. The Planning Commission voted to forward a recommendation of approval to the City Council, specifically stating the following recommendation:

“Recommend approval for City of Molalla Development Code Amendment File P41-2017 with following conditions: Add the memo from Public Works Director Gerald Fisher, Final Reviews and Edits, Include ODOT wording for Shelter.”

There was testimony presented at the Planning Commission meeting on August 2, 2017. Staff provides the testimony, taken from the approved Planning Commission Meeting Minutes for the August 2, 2017 meeting.

Changes Post Planning Commission

- As seen in the conditions, it was permitted to allow a final review of the draft for any final reviews or edits. It is important to note that these changes have been minor non-substantive changes, such as grammar and formatting.
- Updated language regarding Pedestrian Shelters. On Highway 211 Oregon Department of Transportation (ODOT) current practices prohibit any encroachment of ODOT Jurisdiction. In the City of Molalla, ODOT not only owns the road, but also the sidewalks. The updated language provides the Planning Official the ability to wave Pedestrian Shelter requirements if it encroaches on ODOT's jurisdiction. Located in Section 71-3.040 F. Pedestrian Shelters.
- Gerald Fisher, Public Works Director Memo. Gerald Fishers memo incorporated language that satisfied Public Works standards and process. The Project Management Team held a meeting to discuss these changes on August 25, 2017. Attach to the Staff Report is minutes from the PMT meeting.

Decision Making Criteria 19.04.050 F.

The City Council decision shall be based on the following factors:

1. Compliance with applicable the State Wide Planning Goals
 - *Compliance shown in attached Findings*
2. Compliance with applicable City of Molalla Comprehensive Plan Provisions
 - *Compliance shown in attached Findings*
3. The property and affected area is presently provided with adequate public facilities, services transportation networks to support the use, or such facilities, services and transportation networks are reasonably likely to be provided concurrently with development of the property or with the application planning period.
 - *Not applicable*

Type of Action Requested:

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	<input type="checkbox"/>	Report Only

City Council Options:

1. Approve the amendment application, adopt the findings in P41-2017 Staff report dated September 14, 2017, and approve the proposed ordinance.
2. Amend or modify the proposal ordinance language.
3. Adopt findings demonstrating that the application does not comply with the Molalla Municipal Code and deny the application.

Recommendation: The Molalla Planning Commission has recommended that Council approve the amendment application and the ordinance for the Molalla Development Code. Staff concurs with the recommendation.

Attachments

- City Council Code Draft
- Planning Commission Minutes – August 2, 2017
- Staff Findings
- Project Management Team Meeting Minutes



**ORDINANCE 2017-08
NEW DEVELOPMENT CODE
Will be delivered at the meeting**

**Community Dev. & Planning**

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 759-0219

communityplanner@cityofmolalla.com

Findings – Legislative Land Development Code Amendments

Date: July 26, 2017
Subject: File No. P41-2017
Applicant: City of Molalla
City Staff: Aldo Rodriguez, Community Planner

I. Overview

This report provides the staff report and findings necessary for replacing Titles 16 through 20 of the Molalla Municipal Code with a new, complete, Development Code, attached. The new Molalla Development Code implements the community's vision as expressed in the 2014 Molalla Comprehensive Plan and governs the development of property within the City limits. The existing Development Code was made up of sections from other development codes from outside Molalla and did not implement the Comprehensive Plan or the City's vision. In addition, there were numerous errors and conflicts within sections, ultimately making it difficult for staff and the public to use.

The State of Oregon Transportation and Growth Management Program (TGM) contracted with Siegel Planning to evaluate the City of Molalla Development Code and Comprehensive Plan, and prepare a new Molalla Development Code. This was not a side by side comparison of the existing Development Code with new code language; rather, this project was a complete rewrite, except in cases where existing Development Code language was specific to Molalla, for example, the Sensitive Lands Overlay, which was carried over into the new Development Code.

The goal of this project was to create a new development code that implements the recently adopted Comprehensive Plan (2014), Molalla Transportation System Plan (2001), the Downtown Molalla Development and OR HWY 211 Streetscape Plan (2007) (Downtown Plan), and TGM guidance/best practices in local land use requirements. This document includes the proposed new Molalla Development Code (Draft #3). This was prepared based on the recommendations of the Evaluation Memo (Task 2.1), as well as input on earlier code drafts from the Project Management Team, the Citizen Code Committee, Community Meetings held in March 2016 and March 2017, and suggestions from the Planning Commission and City Council in three work sessions.

II. Project Outcomes

Identified outcomes for this project included:

- Provide a design framework for downtown Molalla.
- Ensure quality design is required for new commercial, residential, and mixed use development.
- Enhance walking and biking in Molalla.
- Improve connections for all modes of transportation.
- Prepare a development code that is easy for staff to administer, easy for the public to understand, and in compliance with Oregon Land Use Law.

III. New Development Code

The new Molalla Development Code provides the following:

- **Building and site design standards (along with illustrations) that contribute to beautifying downtown Molalla.** These standards implement Economic Development Goals and Policies to maximize customer experience in downtown Molalla. The standards also implement the Downtown Plan recommendations for new code language (pp. 94-97) to provide a vibrant downtown.
- **Pedestrian-oriented development standards to ensure a walkable community.** These standards implement Transportation Goals and Policies to provide a Central Business District that concentrates pedestrian-oriented commercial/retail uses within a district that is easily walkable.
- **Off-street parking standards that are flexible for new businesses locating in Molalla.** The parking standards encourage economic development in the central businesses district. It is business-friendly and gives a business owner options to meet needed parking
- **Modern land uses and lot standards that reflect the City's desires.** The list of uses are updated to provide for a mix of employment, commercial, and residential uses, with new lot standards that are consistent with the Comprehensive Plan.
- Tables and illustrations, where appropriate, to assist with ease of readability.

III. Approval Criteria

The following section addresses the applicable decision-making criteria in the Molalla Development Code for legislative matters. Code criteria are shown in *italics* with findings following.

19.04.050.F. Decision-Making Criteria. The Planning Commission shall make a recommendation on the application to the City Council. The City Council shall make the final decision on the application. The Planning Commission's recommendation and the City Council's decision shall be based on the following factors:

1. *Compliance with the applicable Statewide Planning Goals;*
2. *Compliance with applicable City of Molalla Comprehensive Plan provisions; and*
3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are reasonably likely to be provided concurrently with the development of the property or within the applicable planning period.*

Findings: The following table shows how the new development code is consistent with applicable Statewide Planning Goals and Molalla Comprehensive Plan. Subsection 3 does not apply because the code rewrite project is a city-wide effort and not site specific. This section is met.

A. FINDINGS DEMONSTRATING COMPLIANCE WITH THE CITY OF MOLALLA COMPREHENSIVE PLAN AND STATEWIDE PLANNING GOALS

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
Goal 1 – Citizen Involvement	Comprehensive Plan Chapter: Citizen Involvement	<p>The City of Molalla has provided citizens multiple and continuous opportunities to participate in the code updates as follows:</p> <p>Planning Commission work sessions in 2017 included three meetings with the Planning Commission on March 1, 2017, April 5, 2017 and April 19, 2017. A joint work session was held with the Planning Commission and City Council on May 10, 2017. Three community meetings were held on March 10, 2016, July 29, 2016, and March 20, 2017. Citizen Code Advisory committee meetings were held in February, 2016, January, 2017 and April, 2017. All meetings were duly noticed per the Municipal Code and State law, where applicable.</p> <p>The public can also participate at the August 2, 2017 public hearing and City Council hearings to follow.</p>

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		<p>A webpage is available on the City’s website with project materials and opportunity for public comment.</p> <p>Based on the foregoing findings, the code rewrite is consistent with the Molalla Comprehensive Plan Chapter Citizen Involvement and State Goal 1.</p>
Goal 2 – Land Use Planning	Comprehensive Plan Chapter: Land Use Planning	The proposed code rewrite retains the land use designations and zoning categories contained in the Molalla Comprehensive Plan (no map change) and the proposed changes are consistent with those existing land use designations and zoning categories. Therefore, the proposed code rewrite is consistent with Molalla Comprehensive Plan Chapter Land Use and State Goal 2.
Goal 3 – Agricultural Lands	Comprehensive Plan Chapter: Agricultural Lands	The proposed code rewrite does not contain regulations that pertain to agricultural lands.
Goal 4 – Forest Lands	Comprehensive Plan Chapter: Forest Lands	The proposed code rewrite does not contain regulations that pertain to forest lands.
Goal 5 – Scenic, Historic, and Natural Resources	Comprehensive Plan Chapter: Natural and Historic Resources	The proposed code rewrite does not contain any new regulations pertaining to historic or natural resources; nor does it change any designations that currently apply to properties. The Water Resources Overlay (WR) and the Historic Overlay (HR) are carried over from the old code into the new development code. This section is met.
Goal 6 – Air, Water and Land Resources	Comprehensive Plan Chapter: Environmental Quality	The City of Molalla’s Goal on air resources recognizes that the “health, safety, welfare and quality of life of its citizens may be adversely affected by air, water and noise pollution, and the City supports efforts to improve air and water quality...” (Goal 6.) The proposed code implements the goals and policy by strengthening standards for pedestrians with architectural and building development standards that encourage a

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		<p>pedestrian friendly environment, thereby reducing air, water and noise pollution from autos and trucks. New bicycle parking standards are also provided, encouraging bicycle use in Molalla, which supports clean air. Based on the foregoing findings, the proposed code is consistent with Molalla Comprehensive Plan Chapter Air Resources.</p> <p>The proposed code carries over the Water Resources (WR) Overlay regulations addressing water resources.</p>
Goal 7 – Natural Hazards	Comprehensive Plan Chapter: Natural Hazards	The proposed code carries over the Water Resources (WR) Overlay which addresses flood plain hazards. This goal is met.
Goal 8 – Parks and Recreation	Comprehensive Plan Chapter: Recreational Needs	The proposed code supports goals for recreational needs in Molalla. The land use table provides for park uses in various zones, encouraging parks and recreation activities in Molalla.
Goal 9 – Economy	Comprehensive Plan Chapter: Economic Development	<p>The proposed code, while not changing the zoning map, does update land use and development standards. The added land uses and modern use standards encourage a variety of economic activities in the commercial and industrial areas of the City.</p> <p>Economic Development Policy 20 states: “The City shall encourage business to locate or relocate to Molalla to provide for the needs of the community.” The new code contains updated land uses with the goal of providing for a wide variety of residential, commercial, and industrial land uses, meeting this goal.</p> <p>Downtown Development policies 1 through 12 contain measures to “revitalize the Central Business District” in Molalla. They state that downtown</p>

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		<p>commercial development should encourage bicycle and pedestrian access, improve the shopping environment and amenities, provide convenient and accessible parking, and “place specific criteria upon new development in the central business district that matches the style found in the early 1900s.” The current code contains limited design standards in the commercial districts. New development and architectural standards in the code will support downtown development and revitalization in the central business district by requiring building orientation, landscaping and pedestrian amenities, storefront design and standards to make sure large buildings “fit” with the downtown.</p> <p>The proposed code requires all new construction, or substantial renovation of existing commercial and industrial buildings, to be subject to a site review process which will consider off-street parking, pedestrian safety, shopping convenience, traffic movement and design criteria. This satisfies Commercial Development Policies 1 through 5 which require high standards for commercial development to produce attractive developments in Molalla.</p> <p>The proposed code provides design standards that directly support reinvestment in the downtown core by adding standards to improve the vibrancy of downtown through high-quality pedestrian design standards and active transportation. This satisfies Commercial Development Policy 10 which discourages “inefficient strip development patterns that increase congestion...” in the downtown core. It also supports Commercial Development</p>

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		<p>Policy 13, which desires an environment inviting to potential businesses. New development standards are added to protect the feel of the community and the small town, walkable character.</p> <p>Based on the foregoing findings, the proposed code is consistent with Molalla Comprehensive Plan Chapter: Economics and State Goal 9.</p>
<p>Goal 10 – Housing</p>	<p>Comprehensive Plan Chapter: Housing</p>	<p>The chapter on housing and State Goal 10 requires the City to develop policies and regulations that ensure the community’s housing needs can be met through appropriate zoning, permitted housing types, lot sizes, densities, and clear and objective approval criteria. The proposed code updates do not change any zoning designations and they maintain the minimum densities as outlined in the Comprehensive Plan.</p> <p>Housing Goal: “To allow for a variety of housing options for all income levels in both existing neighborhoods and new residential areas...” The new code provides for a larger variety of housing options in all residential districts than the current code provides. Such housing includes large and small lot single-family dwellings, accessory dwellings, multiple-family housing, attached single-family residences, mixed uses and manufactured dwellings. In addition, the new development code provides clear and objective design standards to ensure well designed projects, consistent with Housing Policy 2 which states that “the City shall adopt clear and objective design standards with respect to landscaping, massing, architectural styles, and appearance.”</p> <p>Based on the foregoing findings, the proposed code is consistent with the</p>

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
		Comprehensive Plan Chapter: Housing and State Goal 10.
Goal 11 – Public Facilities	Comprehensive Plan Chapter: Public Facilities and Services	Goal 11 requires cities plan for adequate public facilities at urban levels of services. The proposed code updates do not affect public facility service. If anything, the proposed code supports efficient use of public facilities by providing flexible development standards that encourage infill and redevelopment of existing land.
Goal 12 – Transportation	Comprehensive Plan Chapter: Transportation	<p>Transportation Policy 7 states: “Strengthen the City of Molalla’s business community by considering the implementation of a mixed use Central Business District (CBD) that concentrates pedestrian-oriented commercial/retail uses within a district that is easily walkable.” The proposed code directly supports this goal because it contains pedestrian design standards. One objective of the new code is to improve the vibrancy of the downtown area; the code meets this objective by providing standards to enhance its appearance and to improve comfort for pedestrian and cyclists.</p> <p>Policy 3, Other Modes of Transportation states: “Encourage a multi-modal transportation system that avoids reliance upon one form of transportation...” The proposed code satisfies this policy because it encourages a multi-modal transportation system. No changes are proposed to the city street standards, bikeways, construction or paving standards.</p> <p>Based on the foregoing findings, the proposed code is consistent with Comprehensive Plan Chapter: Transportation and State Goal 12.</p>

New Molalla Development Code – Consistency with the Molalla Comprehensive Plan and Statewide Planning Goals		
<i>State Planning Goal</i>	<i>Relevant City Comprehensive Plan Chapters</i>	<i>Findings of Consistency</i>
Goal 13 – Energy Conservation	Comprehensive Plan Goal 13 – Energy Conservation	<p>The proposed code promotes energy-efficient development, consistent with the Comprehensive Plan’s Energy Conservation Goal, which is: “To conserve energy in existing and proposed community development.” The new code focuses on infill and redevelopment in the downtown core which utilizes existing public infrastructure and encourages an energy-efficient development pattern. This uses less energy than “greenfield” development. The code also promotes walking and cycling, which are modes of transportation that conserve energy.</p> <p>Based on the foregoing findings, the proposed code is consistent with Comprehensive Plan Chapter: Energy Conservation and State Goal 13.</p>
Goal 14 – Urbanization	Comprehensive Plan Chapter: Urbanization	Goal 14 does not apply directly to the proposed code updates.

IV. CONCLUSION AND RECOMMENDATION

Staff recommends the Planning Commission make a motion to recommend approval of City Casefile No. P41-2017_ and send the recommendation to the City Council for approval.

PLANNING COMMISSION ACTION

After hearing the presentation and any public testimony, including any rebuttal, the Planning Commission will close the hearing and deliberate. The Commission has three options: Based on the relevant criteria, you may approve the application, deny the application, or approve it with modifications. The following motion is suggested:

“I move to recommend approval of this (CITY CASEFILE NO. P41-2017) to the Molalla City Council, based on the findings contained in the staff report [as amended].”

The staff report may be amended during the course of the hearing. A motion to approve should itemize any modified or additional conditions of approval.

Respectfully submitted this _26^{day} of __July__, 2017:

APPENDIXES:

NEW CODE CHAPTERS
PUBLIC NOTICE



Planning Commission Meeting Minutes

August 2nd, 2017

Meeting Location: Molalla Adult Center, 117 N. Molalla Avenue, P.O. Box 248, Molalla, OR 97038

Planning Commission:

Rae-Lynn Botsford, present;
Omar Reynaga, present;
Debbie Lumb, present.

Staff Attendance: Community Planner Aldo Rodriguez, present;
City Manager Dan Huff, present.

Public Works Director Gerald Fisher, present.

Public Attendance: Steve Gibson, Eric Helfy, Corey Saffer, Ben and Marty Smalley, Phil Bergman, Roy Salvetti, Julie Richie Codey, Jeff and Tina Smathers, Morgan Will, Mike Simmons, Melissa Benes, Roger Peterson, Marcus Ceranek, Tina Ceranuck, Bruce Vanorsow, Laura Buhl, Stacey Goldstein, Stevey Kay, Alliks Cam

Meeting called to order by PC Chair Rae-Lynn Botsford for August 2nd, 2017 followed by a flag salute.

PC Chairman Botsford opened the meeting for general comment limited to three (3) minutes, speakers need to state name, and address or organization represented, and speak on items not identified on the agenda.

William Blackbird-

Has concerned that city gave permission to put a sign right across his property.

- Sign is located at the middle school.
- Would like the sign to be taken down.
- Has constant red glow in his home.

Minutes: June 7th and July 5th, 2017

PC Chair Botsford confirmed all members received and reviewed minutes for June and July 2017. PC Reynaga calls for a motion to accept the minutes for June and July, 2017. PC Lumb seconded. Motion carried (3-0), all ayes.

Findings Facts and Decisions:

Truck Sawyer Repair Shop –

- Rae Lynn - One issue that was brought up from the previous meeting was Public Works right of way dedication on Industrial Way.
 - Gerald Fisher states- written in the conditions is a requirement to dedicate 60 ft, if it is not shown/found that there is one, then a 60 ft right of way would have to be dedicated.
 - PC Lumb ask- What about the wetland located on the property? Will be an issue?
 - Aldo Rodriguez responds – They are working on wetland report to determine if there is wetland located on the property. If there is wetland located on the property they would need to get the proper permits. We can move forward with the approval, since they would still need the ok from state for development.

PC Lumb motions for Facts and Findings Decision P22-2017 Truck Repair Shop. PC Reynaga seconded. Motion carried (3-0), all ayes.

Public Hearings

- PC Chair Botsford reviews Public Hearing Script

Conditional Use Permit P21-2017

- No party status
- Community Planner Aldo Rodriguez – Presents staff report on Conditional Use Permit P21-2017
 - Public Comment P21-2017 Jeff Smather – 320 Heintz
 - Wonders what restrictions City of Molalla has for bright lights. Jeff states that he does not appreciate bright lights because it is irritating to neighbors.
 - City Manager Dan Huff responds- We have an ordinance called Dark Skies that deals with any light pollution. The applicant would need to follow those requirements/restrictions

PC Lumb motions for Facts and Findings Decision P22-2017 Truck Repair Shop. PC Reynaga seconded. Motion carried (3-0), all ayes. Approved.

PC Reynaga motions to approve P21-2017 Garage Shop. PC Lumb seconded. Motion carried (3-0), all ayes.

Hezzie Lane Subdivision – 7 lot P38-2017

- No Party Status
- Community Planner Aldo Rodriguez – Presents staff report on 7 lot subdivisions
 - Applicant comment P38 – 2017 - Steve Kay
 - Reviewed the access to the public right of way
 - Reviewed the utility plans
 - Reviewed the city flexible lot size for lot 5 &6
 - Reviewed wetland buffer zone
 - Reviewed public improvements on Hezzie Lane
- Public Comment Roy Salvetti – 931 W. Main St.
 - Question- where is the all rain runoff going to?
- Public Works Director Gerald Fisher respond to Roy – The city has conditioned the development to detain onsite or to detain with the soon to be constructed detention area that will be built through the bear creek subdivision. They might need to do modifications to hand the extra storm water. The data for the mitigation of the increase storm water would need approval from the cities engineering department and follow the public work design standards.
 - Roy Salvetti states- there needs to be an alternate route to 211 instead of dumping all the traffic on 211
 - PW Gerald Fisher states – that phase 1 and phase 2 of bear creek subdivision does not generate enough traffic for alternative route, but phase 3 they will .
 - Public Comment Morgan Will – 485 S. State St. – Lake Oswego suggest
 - The planning commission modify the conditions of approval to allow a road to going through lot 3 – stated there is a need for connection for the bear creek subdivision for access to 211 in phase 3
 - Planning commission acknowledges Morgan’s proposal
 - Steve Kay – rebuts stating that there is sufficient access with the current hezzie land road.
 - Roy Salvetti states – there is need to have traffic control, lower speed, and traffic lights.

PC Reynaga motions for Facts and Findings Decision P38-2017 Hezzie Lane Subdivision. PC Chair Brotsford seconds. Motion carried (2-1), PC Reynaga aye, PC Chair Brotsford aye, PC Lumb nay. Approved.

City of Molalla Development Code Amendment – P41-2017

- PC Chair Brotsford reviews Public Hearing Script (Legislative)
- Project consultant Stacey Goldstein from Seigel Planning – Presents staff report for City of Molalla’s new development code replacement.
 - City Manager Dan Huff – welcomes Molalla residents to the meeting. Huff mentions he spoke with an individual regarding the public notice language. Huff adds that we are required from the state to include certain statements for a code amendment. Huff would like to add that we reviewed comments from Pacific Fiber Products and Bill Avison. Dan mentions that Molalla historically a lumber production city. We would like to accommodate these productions if they decide to come to Molalla the difference is many of the residential have engulfed the area. We need to acknowledge the residential traffic. With a conditional use permit it allow compatibility with the surrounding areas.
- PC Chair Brotsford invites the public to testify.
 - Dale Newcomb 1441 W Main St. – Newcomb stated that the city council has approved projects in the past that has not worked out. Newcomb mention that development has been focus on the west side of Molalla and not the higher elevated eastern part. Mentioned that city council approved the pedestrian bridge behind his property. Newcomb experienced a burglary recently afterwards. Newcomb does not believe City of Molalla council makes the right decisions. Newcomb states the code replacement does not mention any grandfathering.
 - Roy Salvetti 931 W. Main St. asks- how does this affect my single-family residence?
 - Stacey Siegel responds – It won’t. The home will remain as is. If you would like to do any development in the future it would have to adhere to the new development code.
 - Cory Partner 510 Hart Ave mentions - that Pacific Fiber Products is right beside her home. Partner mentions the noise coming from site. In addition, the truck drivers that comes in and out the site do not follow traffic laws.
 - Community Planner Aldo Rodriguez mentions – that he has spoken to the manager for Pacific Fiber regarding a similar situation and he is very accommodating. Community Planner Rodriguez provides Partner with contact info for her to reach the manager.
 - Dale Newcomb asks – for some clarification on the code regarding grandfathering.
 - Stacey Siegel responds- that the new code addresses grandfathering with in section of legal non-conforming.

- Laura Buhl – Transportation Growth Management Program (TGM)- Funder - addresses the comment for Oregon Department of Transportation (ODOT)
 - Buhl mentions that TGM and ODOT is a joint program
 - Buhl mentions in the model code in section 17-3.2 that there is a provision minimum pedestrian shelter coverage for commercial area. In the case of 211 ODOT owns the entire of right of way, which includes the sidewalks. Currently there practice in not to allow any encroachment into that area. The City and the Project Management team is working on some language alternatives.

PC Reynaga motions to recommend approval for City of Molalla Development Code Amendment file P41-2017 with the following conditions:

- Add the memo from Public Works Director Gerald Fisher
- Final Review and Edits
- Include ODOT wording for shelter for City Council

PC Lumb seconds. Motion carried (3-0), all ayes. Approved.

Pacific Fiber Products Written comments (Exhibit 1)

Bill Avison comments (Exhibit 2)

ODOT comments (Exhibit 3)

Chamber of Commerce comments (Exhibit 4)

Discussion Item:

None

Announcements:

Public Works Director Gerald Fisher updates the planning commission regarding the Transportation Systems Master Plan.

PC Chair Brotsford – Calls for a motions to adjourn the meeting. PC Reynaga seconded. Motion carried (3-0), all ayes.



**Molalla TGM Code Assistance
City of Molalla New Development Code
Meeting Notes: Task 6.5 – PMT Contingent Meeting #2**

August 25, 2017
Meeting with the City of Molalla

Attendees

City: Aldo Rodriguez, City Planner; Dan Huff, City Manager; Gerald Fisher, Public Works Director

ODOT: Laura Buhl, Transportation and Growth Management Program (TGM) Grant Manager

Consultants: Stacey Goldstein, Siegel Planning Services

Stacey started with a review of what she would like to accomplish, primarily direction regarding planter strip language. The PMT walked through the following items regarding the Planning Commission Draft 3 of the Molalla Development Code:

- Make sure Transportation System Plan terminology is used in the draft
- Type III reviews will require internal staff coordination
- Planter strips were discussed at length. The way the code is written there is flexibility built in for the City to require or not require planter strips.
- Planter strip definitions will be left as is.

The PMT walked through an email provided by Gerald, dated August 10, 2017. Gerald requested planter strip language be changed in the draft that will be presented to the City Council. Stacey stated that the changes were not discussed with the Planning Commission and therefore could not simply be made to the current draft. Stacey and Laura believed that the current code language addressing planter strips was written flexible so as to not require planter strips but rather that the City could require them in certain situations. Gerald provided his insights to the difficulty with planter strip maintenance in the City of Molalla. Cut out tree wells in the downtown area were the preferred location for street trees and not in residential neighborhoods, according to Gerald. The group agreed that the language should be flexible enough to require or not require planter strips, depending on the situation.

The PMT walked through Draft 3 Section 17-3.6.020.D. Gerald's comments wanted removal of planter strip language. The current draft calls it a park strip, which needs to be changed to planter strip. Stacey will make the change. After discussion, the PMT agreed that the language is flexible enough as is with regard to requiring or not requiring planter strips and will be left as is.

Section 17-3.6.020.I was discussed. Gerald requested new language and removal of planter strip reference. After discussion, the PMT agreed that the language is flexible enough as is with regard to requiring or not requiring planter strips and will be left as is.

Section 17-5.1 Definitions – Gerald requested removal of planter strip definitions. The PMT agreed to leave the definitions in.

The PMT also discussed edits regarding City Engineer versus City. It was agreed to leave City Engineer language in place.

City of Molalla Development Code

City Council Public Hearing Draft

September 2017

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Article 17-1 — Introduction and General Provisions

Chapters:

- 17-1.1 Introduction
- 17-1.2 Title, Purpose, and General Administration
- 17-1.3 Lot of Record and Legal Lot Determination
- 17-1.4 Non-Conforming Situations
- 17-1.5 Code Interpretations
- 17-1.6 Enforcement

Chapter 17-1.1 — Introduction

The City of Molalla Development Code (“Code”) is administered by the Planning Official or his or her designee. The Code regulates land use and development within the City of Molalla (“City”), and is organized as follows:

Article 17-1. Article 17-1 describes the title, purpose, authority, organization, and general administration of the Code. Chapter 1 also explains how City officials interpret and enforce code requirements.

Article 17-2. Article 17-2 contains the zoning regulations. Zones are designated by the City of Molalla Zoning Map, consistent with the City of Molalla Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner shall complete a Zoning Checklist pursuant to Section 17-4.1.020.

Article 17-3. Article 17-3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences, and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 17-3 applies to all development, including land divisions and projects for which no land use application or review is required. Article 17-3 is supported by the more detailed engineering design standards in the City’s Public Works Design Standards.

Article 17-4. Article 17-4 contains the City’s application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

Article 17-5. Article 17-5 contains definitions and other exhibits that the City uses in interpreting and administering the Code. For example, where Article 17-2 contains a general list of land uses allowed in each zone, Article 17-5 provides examples of uses that are consistent with each general category.

17-1.2 – Title, Purpose, and Authority | Rules of Code Construction

Chapter 17-1.2 — Title, Purpose, and Authority

Sections:

Section 17-1.2.010	Title
Section 17-1.2.020	Purpose
Section 17-1.2.030	Compliance and Scope
Section 17-1.2.040	Rules of Code Construction
Section 17-1.2.050	Development Code Consistency with Comprehensive Plan and Laws
Section 17-1.2.060	Development Code and Zoning Map Implementation
Section 17-1.2.070	Zoning Checklist and Coordination of Building Permits
Section 17-1.2.080	Official Action

17-1.2.010 Title

The official name of this Title is “The City of Molalla Development Code.” It may also be referred to as “Development Code” and “Code.”

17-1.2.020 Purpose

This Code is enacted to promote the public health, safety, and general welfare; and to encourage the orderly and efficient development and use of land within the City of Molalla, consistent with the City of Molalla Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- D. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- E. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
- F. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
- G. Efficient Administration of Code Requirements**, consistent with the needs of the City of Molalla.

17-1.2 – Title, Purpose, and Authority

17-1.2.030 Compliance and Scope

- A. Compliance with the Development Code.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map, and amendments Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.
- C. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

17-1.2.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Highest standard or requirement applies.** Where the requirements of this Code vary from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The Planning Official or designee, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Director, or upon referral the City Council, may issue a formal interpretation pursuant to Chapter 17-1.5 Code Interpretations.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Requirements versus Guidelines.** The use of the word "shall," "must," "required," or similar directive terms, means the Code provision is a requirement. The use of the word "should," "encouraged," "recommended," or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the Planning Official to exercise such discretion.
- E. Interpreting Illustrations.** This Code contains illustrations and photographs, code "graphics," which are intended to serve as examples of development designs that either meet or do not meet particular Code standard. Except where a graphic contains a specific numerical standard or uses the word "shall," "must," "required," or "prohibited," strict adherence to the graphic is not required.
- F. Severability.** The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

17-1.2 – Title, Purpose, and Authority

17-1.2.050 Development Code Consistency with Comprehensive Plan and Laws

- A. City of Molalla Comprehensive Plan.** This Code implements the City of Molalla Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.
- C. References to Other Regulations.** All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of Molalla requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

17-1.2.060 Development Code and Zoning Map Implementation

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of land to the City of Molalla, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 17-4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.
- B. Land Use Consistent With Development Code.** Land and structures in the City of Molalla may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to Chapter 17-1.4, provided state or federal law does not prohibit the use.
- C. Development Code and Zoning Map.** The City’s Official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this Code, is part of this Code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.
- D. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City’s zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may adopt and

17-1.2 – Title, Purpose, and Authority | Code Consistency

publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Examples of regulated features include, but are not limited to, historical landmarks, special street setbacks, base flood (flood plain) elevation, local wetland inventories, and specific area plans. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

- E. Boundary Lines.** Zoning district boundaries are determined pursuant to Section 17-2.1.030.
- F. Changes to Official Zoning Map.** Proposed changes to the Official Zoning Map are subject to review and approval under Chapter 17-4.6.

17-1.2.070 Zoning Checklists and Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by two City officials: The Building Official issues building permits; and the Planning Official administers the Development Code, processes land use approvals, and coordinates with the Building Official on development and building projects to ensure compliance with the Development Code.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the Planning Official has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.
- C. Zoning Checklist.** Where a Zoning Checklist is required prior to issuance of a building permit, pursuant to Section 17-4.1.020, the Planning Official through a Type I procedure shall review the project proposal. The Building Official shall not issue any building permit without an approved Zoning Checklist for the project. If in reviewing the project proposal the Planning Official determines that other permits or approvals are required before development may commence or a building permit may be issued, the Planning Official shall advise the applicant in writing, accordingly.

17-1.2.080 Official Action

- A. Official Action.** The City of Molalla Planning Official, Planning Commission and City Council are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 17-4 Application Review Procedures and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The Planning Official shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.

17-1.2 – Title, Purpose, and Authority

- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the Planning Official may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 17-1.5 Code Interpretations and Article 17-4 Application Review Procedures and Approval Criteria.
- D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice, staff report, or form. See Chapter 17-4.1 General Review Procedures.

17-1.3 – Lot of Record and Legal Lot Determination | Purpose and Intent

Chapter 17-1.3 — Lot of Record and Legal Lot Determination

Sections:

17-1.3.010	Purpose and Intent
17-1.3.020	Criteria
17-1.3.030	Legal Lot Determination Procedure

17-1.3.010 Purpose and Intent

The purpose of Chapter 17-1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of a lot of record shall not be denied development of one single-family dwelling per lot of record, provided applicable building codes are met. The City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 17-4.7.

17-1.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.192:

- A.** The plot of land was lawfully created through a subdivision or partition plat in Clackamas County prior to annexation to the City of Molalla;
- B.** The plot of land was created through a deed or land sales contract recorded with Clackamas County prior to October 1, 1978; or
- C.** The plot of land was created through a deed or land sales contract recorded with Clackamas County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

17-1.3.030 Legal Lot Determination Procedure

The Planning Official, through a Type II procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 to 92.192.

I.4 – Non-Conforming Situations

Chapter 17-1.4 — Non-Conforming Situations

Sections:

17-1.4.010	Purpose and Applicability
17-1.4.020	Non-conforming Use
17-1.4.030	Non-conforming Development
17-1.4.040	Non-conforming Lot

17-1.4.010 Purpose and Applicability

Chapter 17-1.4 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

- A. Non-conforming uses** (e.g., industrial use in residential zone) are subject to Section 17-1.4.020.
- B. Non-conforming developments** (e.g., structure does not meet setback or height standards) are subject to Section 17-1.4.030.
- C. Non-conforming lots** (e.g., lot is smaller than minimum area standard) are subject to Section 17-1.4.040.

17-1.4.020 Non-conforming Use

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. Expansion of Non-conforming Use Limited.** Expansion of a non-conforming use shall not exceed 35 percent of the subject site or building, and not more than 2,500 square feet of building area (footprint or floor area), cumulatively, whichever is less, that existed as of *[effective date of code]*. Where an expansion is proposed, consistent with this section, a Conditional Use Permit shall be required, under Chapter 17-4.4.
- B. Location of Non-conforming Use.** A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.

1.5 – Non-Conforming Situations

- C. Discontinuation or Abandonment of Non-conforming Use.** Except as provided by subsection 17-1.4.020.E. A non-conforming use that is discontinued for any reason, other than fire or other catastrophe beyond the owner's control, for a period of more than 12 months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the 12-month period, a use is discontinued when:
1. The use of land is physically vacated;
 2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;
 3. Any lease or contract under which the non-conforming use has occupied the land is terminated;
 4. A request for final reading of water and power meters is made to the applicable utility districts;
 5. The owner's utility bill or property tax bill account became delinquent; or
 6. An event occurs similar to those listed in subsections 1-5, above, as determined by the Planning Commission.
- D. Application of Code Criteria and Standards to Non-conforming Use.** Once the City deems a use abandoned pursuant to subsection 17-1.4.020.C, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership or management; any such activity is a violation of this Code and subject to enforcement proceedings under Chapter 17-1.6. Residential uses in Commercial zones are exempt from this section.
- E. Extension of Non-Conforming Status for Discontinued Use.** Notwithstanding the provisions of subsection 17-1.4.020.C, a non-conforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for repair, including as applicable ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the six-month period of discontinuance.

17-1.4.030 Non-conforming Development

Section 17-1.4.030 regulates non-conforming development. Non-conforming development includes situations where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of the Code today, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction or requirement. If the development was lawful when constructed, it may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. Alterations.** Any expansion of a non-conforming development shall not exceed 50 percent of the subject building area or development area, as applicable; for example, such area may include floor area or other

I.4 – Non-Conforming Situations

surface area, paving, parking spaces, landscaping, outdoor storage, signage, lighting, or other developed areas that existed as of [effective date of new code]. Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 17-4.4. A non-conforming development shall not be enlarged or altered in a way that increases its non-conformity by more than 50 percent. Approval of a variance is required to increase a development's non-conformity, and not more than one such variance shall be approved to expand the same development. A development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or moves in the direction of conformity.

- B. Destruction.** Should a non-conforming development or non-conforming portion of a development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Clackamas County Assessor, it shall be reconstructed only in full conformity with this Code. This does not preclude the reestablishment of a non-conforming use after fire or other catastrophe as allowed under Section 17-1.4.020. This section does not apply to the R-5 Historic Residential district.
- C. Roadway Access.** The owner of a non-conforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the non-conforming access into conformance with the standards of the applicable roadway authority.
- D. Relocation or Removal.** Once a non-conforming structure or a portion of a non-conforming structure or development is moved it shall thereafter conform to current Code standards.

17-1.4.040 Non-conforming Lot

A legal lot or lot of record, as provided by Chapter 17-1.3, with an area or dimensions that do not meet the standards of the zoning district in which the property is located, may be occupied by a use permitted in the zone, subject to other requirements of the zone.

I.5 – Code Interpretations

Chapter 17-1.5 — Code Interpretations

Sections:

17-1.5.010 Code Interpretations

17-1.5.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Official may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Official finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure of Section 17-4.1.030. The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.
- B. Code Interpretation Procedure.** Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Planning Official and shall be processed as follows:
1. The Planning Official within 14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
 2. Where an interpretation does not involve the exercise of discretion, the Planning Official shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
 3. Where an interpretation requires discretion, the Planning Official shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Planning Official then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the Type II review procedure of Section 17-4.1.030.
- D. Written Interpretation.** Following the close of the public comment period on an application for a code interpretation, the Planning Official shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

I.4 – Code Interpretations

- E. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the Planning Official may bypass the procedure in subsection 17-1.5.010.B and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Section 17-4.1.050.
- F. Interpretations on File.** The City shall keep on file a record of its code interpretations.

I.4 – Enforcement

Chapter 17-1.6 — Enforcement

Sections:

17-1.6.010	Violation
17-1.6.020	Other Remedies

17-1.6.010 Violations

Except as provided under Subsection 17-1.6.020, any person violating or causing the violation of any of the provisions of this Code, who fails to abate said violation has committed a Class I Civil Infraction. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

A. Classification of Violation. Violations shall be identified by the Planning Official under one of the following classifications:

1. Type I - Violations which represent a serious threat to public health, safety, and welfare, or those unapproved actions deemed potentially to create serious adverse environmental or land use consequences as the result of continued development activity; or
2. Type II - Violations which do not pose a serious threat to public health, safety, and welfare, but do violate provisions of this code, including any conditions of approval.

B. Notice of Violation

1. Type I - After receiving a report of an alleged Type I violation, the Planning Official determines whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice shall be in writing and shall be provided to the owner of record for tax purposes or to the person in charge of the property. Such a notice shall indicate:
 - a. the location and nature of the violation;
 - b. the provision or provisions of this Code or conditions of approval which allegedly have been violated; and
 - c. whether immediate enforcement will be sought or if a specified time period will be allowed to correct or remove the violation.

I.4 – Enforcement

2. Type II - After receiving a report of an alleged Type II violation from the Planning Official, the City Attorney shall, upon determining that a Civil Infraction exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service, to the owner of record for tax purposes and to the person in charge of the property; however, a defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this code. Such a notice shall indicate:
 - a. the location and nature of the violation;
 - b. the provision or provisions of this Code or conditions of approval, which allegedly have been violated;
 - c. whether immediate enforcement shall be sought or if 15 days will be allowed to correct or remove the violation; and
 - d. the date when the notice was personally served or, if the notice was sent by first-class mail, the date three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside this state.

C. City Attorney to Pursue Enforcement. When the compliance deadline expires, the City Attorney shall proceed with any action deemed appropriate, unless:

1. The City Attorney finds that the violation has been corrected, removed, or will not be committed; or
2. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

D. Penalties. Code violations may be subject to criminal, civil, or other sanctions authorized under ordinances of the City.

1. **Criminal Penalties** - Unless specified otherwise, every violation of the terms of this Code is a Class A infraction, punishable by a fine of up to \$500. Each day such violation continues, it shall be considered a separate offense.
2. **Civil Penalties and Remedies** - In addition to, or in lieu of, criminal actions, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

I.4 – Enforcement

17-1.6.020 Other Remedies

The City, in addition to finding a Code violation is a Class I Civil Infraction, may use any of the other remedies available to it, including, but not limited to, the following:

- A. Stop Work Order.** The City may issue a stop work order.
- B. Public Nuisance.** The City may find a violation of this Code is a public nuisance in violation of City Code.
- C. Mediation.** The City and property owner may agree to engage in mediation.

Article 17-2 – Zoning Regulations

Chapters:

- 17-2.1 Establishment of Zoning Districts
- 17-2.2 Zoning District Regulations
- 17-2.3 Special Use Standards
- 17-2.4 Overlay Zones

17-2.1 – Determination of Zoning District Boundaries

Chapter 17-2.1 – Establishment of Zoning Districts

Sections:

17-2.1.010	Purpose
17-2.1.020	Classification of Zoning Districts
17-2.1.030	Determination of Zoning District Boundaries

17-2.1.010 Purpose and Classification of Zoning Districts

Chapter 17-2.1 establishes zoning districts, consistent with the City of Molalla Comprehensive Plan. Every unit of land (parcel, lot, and tract) within the City of Molalla is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

17-2.1.020 Classification of Zoning Districts

Zoning designations are as depicted on the City of Molalla Zoning Map. The Planning Official maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

A. Residential (R) Districts (R-1, R-2, R-3, and R-5). Four residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 17-2.2 Zoning District Regulations and Chapter 17-2.3 Special Use Standards.

1. The Residential Low Density (R-1) district permits residential uses at densities between 4 and 8 dwelling units per net buildable acre. Permitted residential uses consist primarily of detached single-family housing and duplex housing subject to special use standards, and community service uses such as churches, schools, and parks.
2. The Residential Medium Density (R-2) district permits residential uses at densities between 6 and 12 dwelling units per net buildable acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The R-2 district also allows, subject to special use standards, parks, schools, places of worship, and certain community service uses.

17-2.1 – Establishment of Zoning Districts | Determination of Zoning District Boundaries

3. The Residential Medium-High Density Residential (R-3) district permits single-family dwellings on small lots, duplex dwellings, and multifamily dwellings. Permitted dwellings include detached housing and attached (e.g., townhouse and multifamily) housing. The R-3 district also permits community service uses such as schools, parks, religious institutions/places of worship; and public and semipublic structures such as fire stations and utilities.
4. The Historic Residential (R-5) district permits residential uses similar to those permitted in the R-3 district. The R-5 district also allows, subject to special use standards, some commercial and employment uses.

B. Commercial Districts (C-1 and C-2). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with existing residences permitted to continue, and some new residential uses permitted. Two commercial zoning districts, one for the central commercial/traditional downtown area (C-1, Central Commercial) and one for the general commercial (C-2, General Commercial) area, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.

C. Industrial Districts (M-1 and M-2). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for Light Industry (M-1, Light Industrial) and one for Heavy Industry (M-2, Heavy Industrial) provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The Heavy Industrial district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities.

D. Public Facilities, Semi-Public District (PSP). See also, Chapter 17-2.2 Zoning District Regulations and Chapter 17-2.3 Special Use Standards.

- I. The Public Facilities, Semi-Public (PSP) district provides for public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities, consistent with adopted public facility master plans.

17-2.1 – Determination of Zoning District Boundaries

17-2.1.030 Determination of Zoning District Boundaries

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the Planning Official or, upon referral, the Planning Commission or City Council, shall determine the boundary as follows:

- A. Right-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.
- D. Natural feature.** Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

17-2.2 – Zoning District Regulations | Purpose

Chapter 17-2.2 – Zoning District Regulations

Sections:

17-2.2.010	Purpose
17-2.2.020	Applicability
17-2.2.030	Allowed Uses
17-2.2.040	Lot and Development Standards
17-2.2.050	Setback Yards Exceptions
17-2.2.060	Residential Density Standards
17-2.2.070	Lot Coverage
17-2.2.080	Height Measurement, Exceptions, and Transition

17-2.2.010 Purpose

Chapter 17-2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Molalla Comprehensive Plan and the purposes of this Code, per Section 17-1.2.020.

17-2.2.020 Applicability

All real property in the City of Molalla is subject to the zoning regulations of Chapter 17-2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 17-2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 17-2.2 and the Overlay Zone regulations of Chapter 17-2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

17-2.2 – Zoning District Regulations | Allowed Uses

17-2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 17-2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. If Table 17-2.2.030 does not list a specific use, and Article 17-5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, by following the procedures of Section 17-1.5.010 Code Interpretations. Uses not listed in Table 17-2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to Section 17-2.2.040 Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 17-2.3 Special Use Standards and Section 17-2.2.040 Lot and Development Standards. Uses listed as “Not Allowed (N)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 17-1.5.010.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 17-4.4 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 17-2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 17-2.4.
- E. Master Planned Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 17-4.8.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 17-5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.
- H. Outdoor Uses and Unenclosed Activities.** Notwithstanding the provisions of Table 17-2.2.030, any use, except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 17-4.4. Examples of outdoor uses and unenclosed

17-2.2 – Zoning District Regulations | Allowed Uses

activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.

- I. **Temporary Uses.** Temporary uses occur for not longer than 45 days, in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 17-4.2 Site Design Review. Special Use Standards listed in Chapter 17.2.3 may also apply to temporary uses.
- J. **Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. Submittal of a Zoning Checklist for review and approval by the Planning Official shall be required in order to determine whether a use is allowed on a given site, and whether further land use review is required.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
A. Residential Uses¹										
Single-Family Dwelling, Non-Attached	P	P	P	P	N	N	N	N	N	
Single-Family Dwelling, Attached (Townhome)	CU	S	S	S	CU	N	N	N	N	Sec. 17-2.3
Accessory Dwellings	S	S	S	S	S	S	N	N	S	Sec 17-2.3
Boarding or Rooming House	CU	P	P	N	P	P	N	N	N	
Duplex Dwelling on Corner Lot	S	S	S	S	N	N	N	N	N	Sec 17-2.3
Duplex Dwelling on Interior Lot	S	S	S	S	N	N	N	N	N	Sec 17-2.3
Golf Course	N	N	N	N	N	N	N	N	CU	
Manufactured Home	S	S	S	S	N	N	N	N	N	Sec 17-2.3
Manufactured Dwelling Park	N	N	S	N	N	N	N	N	N	Sec 17-2.3
Multifamily Dwelling	N	S	S	S	S	S	N	N	N	Sec 17-2.3
Family Daycare	S	S	S	S	S	S	N	N	N	Sec 17-2.3
Residential Care Home	S	S	S	S	S	N	N	N	N	Sec. 17-2.3
Residential Care Facility	N	S	S	S	S	S	N	N	N	Sec. 17-2.3
Senior Housing	P	P	P	P	P	P	N	N	N	
Home Occupation	S	S	S	S	S	S	N	N	N	Sec 17-2.3
Micro-Generation; wind, solar, or geothermal energy (household use)	P	P	P	P	P	P	N	N	N	

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
Cottage Cluster Housing	S	S	S	S	S	S	N	N	N	Sec 17-2.3
Single-family, Duplex, or Multifamily above Commercial Use	N	N	N	N	P/S	P/S	N	N	N	
B. Public and Institutional Uses²										
Cemetery, including Crematorium	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Child Daycare Center	CU	CU	CU	CU	P	P	CU	CU	N	
Club Lodge, Fraternal Organization (Does not include those having a chief activity carried on for monetary gain)	N	N	CU	CU	P	CU	CU	CU	N	
Community Service; includes Governmental Offices	CU	CU	CU	CU	P	P	CU	N	P	
Community Garden	P	P	P	P	P	P	N	N	P	
News Stands	P	P	P	P	P	P	P	P	P	
Emergency Services; includes Police, Fire, Ambulance	CU	CU	CU	CU	CU	CU	CU	P	P	
Hospital, including Acute Care Center	N	N	CU	N	CU	CU	CU	CU	N	
Non-Profit Member Organization Offices	N	N	CU	N	P	P	CU	N	N	
Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, and similar uses	P	P	P	P	P	P	P	P	P	

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
B. Public and Institutional Uses³ (continued)										
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	N	N	N	CU	P	CU	
Railroad Facilities	N	N	N	N	N	N	CU	P	N	
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	CU	CU	N	N	
School, Preschool-Kindergarten, Primary	CU	CU	CU	CU	CU	N	N	N	P	
School, Secondary	CU	CU	CU	CU	CU	N	CU	N	P	
School, College or Vocational	CU	CU	CU	CU	P	CU	CU	N	P	
Solid Waste Disposal or Recycling, except as accessory to permitted use	N	N	N	N	N	N	CU	CU	N	
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with the Transportation System Plan / Comprehensive Plan.	P	P	P	P	P	P	P	P	P	
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	P	P	
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Wireless Communication Facilities	CU/S	CU/S	CU/S	CU/S	CU/S	CU/S	CU/S	CU/S	CU/S	Sec 17-2.3

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
C. Commercial Uses⁴										
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	N	N	P	CU	CU	N	CU	
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses	N	N	N	N	S	S	N	N	N	Sec 17-2.3
Automobile Parking, Commercial Parking	N	N	N	N	CU	CU	CU	P	CU	
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc. (No junking, salvage operations)	N	N	N	N	N	P	P	P	N	
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks (No junking, salvage operations)	N	N	N	N	N	CU	CU	N	N	
Bars and Taverns (those established after 2010 shall not be located within 500 feet of another bar or tavern)	N	N	N	N	CU	CU	CU	N	N	
Bed and Breakfast Inn	N	S/CU	S/CU	S/CU	S/CU	N	N	N	N	Sec 17-2.3
Breweries, Distilleries and Wineries (Small Scale)	N	N	N	N	S	S	S	S	N	Sec 17-2.3
Commercial Retail Sales and Services	N	N	N	N	P	P	N	N	N	
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, as an accessory use	N	N	N	N	N	P	P	P	N	

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
C. Commercial Uses (continued)⁵										
Customer Call Center	N	N	N	N	P	P	P	CU	N	
Drive-Through Service, accessory to primary use, not including restaurants	N	N	N	N	N	S/CU	N	N	N	Sec 17-2.3
Hotels, Motels, and Similar Overnight Accommodations	N	N	N	N	P	P	N	N	N	
Kennel (See also, "Veterinary Clinic")	N	N	N	N	N	N	P	P	N	
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	P	P	N	
Medical Clinic, Outpatient	N	N	N	N	P	P	N	N	N	
Offices	N	N	N	N	P	P	P	CU	N	
Recreational Vehicle Park	N	N	N	N	N	N	N	N	N	
Self-Service Storage, Commercial	N	N	N	N	N	P	P	CU	N	
Veterinary Clinic (small animal)	N	N	N	P	P	P	P	P	N	

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Table 17-2.2.030 – Uses Allowed by Zoning District										
Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
D. Industrial and Employment Uses⁶										
Artisanal and Light Manufacture Uses in Industrial Zones	N	N	N	N	N	N	S	S	N	Sec 17-2.3
Auction Yard	N	N	N	N	N	N	CU	CU	N	
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N	N	N	N	N	CU	N	
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	N	N	CU	N	
Cement, Glass, Clay, and Stone Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N	N	N	N	CU	N	
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	N	N	CU	N	
Concrete or Asphalt Batch Plants	N	N	N	N	N	N	N	CU	N	
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N	N	N	CU	CU	N	
Data Center or Server Farm	N	N	N	N	N	N	CU	CU	N	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	CU	CU	N	

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Allowed Uses

Uses	Residential Zones				Commercial Zones and Industrial Zones				[Public Use]	Special Use Standards
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>M-1</u>	<u>M-2</u>	<u>PSP</u>	
D. Industrial and Employment Uses⁷ (continued)										
Finished Textile and Leather Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N	N	N	N	P	N	
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving; except as allowed for Artisanal and Light Manufacture Uses. Rendering Plants are prohibited.	N	N	N	N	N	N	CU	P	N	
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N	N	N	N	N	P	N	
Machine Shop, and Sales, Service and Repair of Machinery; except as allowed for Artisanal and Light Manufacture Uses. Must be wholly enclosed in buildings.	N	N	N	N	C-1	CU	CU	P	N	
Metal Plating	N	N	N	N	N	N	N	P	N	
Metal Manufacture, Welding; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N	N	N	CU	P	N	
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	N	N	N	N	P	P	N	
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N	N	N	N	CU	P	N	
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N	N	N	N	N	CU	N	
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N	N	N	N	N	CU	N	

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

17-2.2 – Zoning District Regulations | Lot and Development Standards

17-2.2.040 Lot and Development Standards

- A. Development Standards.** Section 17-2.2.040 provides the general lot and development standards for each of the City's base zoning districts. The standards of Section 17-2.2.040 are organized into two tables: Table 17-2.2.040.D applies to Residential zones, and Table 17-2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 17-3. Notwithstanding the provisions of Section 17-2.2.040 and Article 17-3, different standards may apply in specific locations, such as at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. For requirements applicable to the City's overlay zones, please refer to Chapter 17-2.4.
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. Submittal of a Zoning Checklist for review and approval by the Planning Official may be required in order to determine whether use is allowed on a given site, and whether further land use review is required.

17-2.2 –Zoning District Regulations | Lot and Development Standards

D. Lot and Development Standards for Residential Districts. The development standards in Table 17-2.2.040.D apply to all new development *[as of (effective date)]* in Residential zones.

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
Residential Density , per Section 17-2.2.060 (Dwelling Units per net acre) – Minimum and Maximum	<i>Min 4 DU and a Max 8 DU per net buildable acre</i>	<i>Min 6 DU and a Max 12 DU per net buildable acre</i>	<i>Min 8 DU and a Max 24 DU per net buildable acre</i>	<i>Min 6 DU and a Max 24 DU per net buildable acre</i>
Minimum Lot Area (square feet)				
Single-Family, not attached	5,000 sf	3,600 sf	3,000 sf	3,000 sf
Single-Family, common-wall dwellings	2,500 sf	2,200 sf	2,200 sf	2,200 sf
Duplex (per duplex)	6,000 sf	5,800 sf	4,500 sf	4,500 sf
Multifamily (per unit)	NA	3,000 sf	2,000 sf	1,500 sf
Non-Residential Uses	2,500 sf	2,500 sf	2,500 sf	2,500 sf

17-2.2 – Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
Minimum Lot Width				
Single-Family, Not Attached:				
Corner Lot	60 ft	50 ft	48 ft	48 ft
Interior Lot	50 ft	46 ft	44 ft	44 ft
Single-Family, Attached or Common Wall:				
Corner Lot	25 ft	25 ft	25 ft	25 ft
Interior Lot	25 ft	22 ft	22 ft	22 ft
Duplex	60 ft	56 ft	56 ft	50 ft
Multifamily (3 or more dwelling units on a lot, where allowed)	NA	80 ft	80 ft	80 ft
Non-Residential Uses	60 ft	60 ft	50 ft	50 ft
Minimum Lot Depth				
Single-Family, Not Attached, Duplex, and Non-Residential Uses	80 ft	80 ft	80 ft	80 ft
Single-Family Attached or Common Wall, Corner or Interior Lot	NA	60 ft	60 ft	60 ft
Multifamily	NA	NA	NA	NA
Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Section 17-4.3.050.				

17-2.2 –Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
Building or Structure Height. See also, Sections 17-2.2.050 Setback Yard Exceptions, 17-2.2.080 Height Measurement, Exceptions, and Transitions, 17-3.3.030.G Vision Clearance, and 17-3.4.040 Fences and Walls.	30 ft	40 ft	45 ft	35 ft
Fences and Non-Building Walls Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear) (See also, Section 17-3.4.040.)	3.5 ft 6 ft 6 ft 6 ft	3.5 ft 6 ft 6 ft 6 ft	3.5 ft 6 ft 6 ft 6 ft	3.5 ft 6 ft 6 ft 6 ft
Lot Coverage: 1) Maximum Lot Coverage (foundation plane area as % of site area) Single-Family, Not Attached Single-Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Nonresidential Uses	 40% 60% 60% 60% 60%	 50% 70% 60% 60% 60%	 50% 70% 75% 80% 60%	 50% 70% 75% 80% 60%
The Planning Official, subject to review through a Type II procedure, may approve an adjustment to the lot coverage standards, above, pursuant to Section 17-2.2.070.				

17-2.2 – Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
Minimum Landscape Area (% lot area) , Landscape area may include plant areas and some non-plant areas as allowed under Section 17-3.4.030.	20%	20%	20%	20%
Minimum Setbacks (feet). See also, Sections 17-2.2.050 Setback Yard Exceptions, 17-2.2.080 Height Measurement, Exceptions, and Transition, 17-3.3.030.G Vision Clearance, and 17-3.4.040 Fences and Walls.				
Front and Street-Side Setback Yards				
<u>Standard Setback</u>	10 ft	10 ft	10 ft	10 ft
<u>Garage or Carport Opening</u>	16 ft	16 ft	16 ft	16 ft
<u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed. Porch steps are exempt from measurement.	5 ft	5 ft	5 ft	5 ft
Accessory structure (must be setback equal to the front setback but shall not project in front of the primary structure)	15 ft	15 ft	15 ft	15 ft
Exception (0 ft for wheelchair ramp)				

17-2.2 –Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
<i>Interior Side Setback Yards</i>				
<u>Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	15 ft	10 ft	10 ft	10 ft
<u>Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	10 ft	10 ft	10 ft	10 ft
<u>Structure <=12' height (total of 2 interior sides, with no setback yard less than 3 ft)</u>	6 ft	10 ft	10 ft	10 ft
<i>Garage or Carport Opening, except alley</i>	20 ft	20 ft	20 ft	20 ft
<i>Exceptions:</i>				
<u>Alley</u>	5 ft	5 ft	5 ft	5 ft
<u>Porch or Similar Open Structure</u> (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	5 ft
<u>Common Walls or Zero Lot Line Developments</u>	N/A	0 ft one side; 8 ft other side	0 ft one side; 6 ft other side	0 ft one side; 8 ft other side
<u>Note:</u> Always locate utilities and utility easements before construction.				

17-2.2 – Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.D – Lot and Development Standards for Residential zones

(Except as provided under Section 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	R-1 Zone	R-2 Zone	R-3 Zone	R-5 Zone
Rear Setback Yard				
<u>Structure >24' height</u>	15 ft	15 ft	15 ft	15 ft
<u>Structure 12'-24' height</u>	10 ft	10 ft	10 ft	10 ft
<u>Structure <12' height</u>	5 ft	5 ft	5 ft	5 ft
<i>Garage or Carport Opening, except alley</i>	20 ft	20 ft	20 ft	20 ft
<i>Exceptions:</i>	5 ft	5 ft	5 ft	5 ft
<u>Alley</u>	5 ft	5 ft	5 ft	5 ft
<u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio wall) where structure is <50% enclosed	3 ft	3 ft	3 ft	3 ft
<u>Common Walls or Zero Lot Line</u>				
<i>Build-To Line Maximum (feet):</i> <u>Applies to New Buildings Only, except does not apply to detached single-family dwelling:</u> 1) At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except that where a greater setback is required for a Planned Street Improvement, the build-to line increases proportionately. 2) The City may also approve exceptions to the build-to line through Site Design Review where pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 17-3.2.050 Civic Space and Pedestrian Amenities.)	Not Applicable	20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street	20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street

17-2.2 –Zoning District Regulations | Lot and Development Standards

Special Setback for Planned Street Improvements: New structures or additions on lots abutting an existing public street that do not meet the minimum standards of Section 17-3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard unless a variance is approved.

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 17-2.2.040.E apply to all new development *[as of (effective date)]* in the City’s Non-Residential zones, as follows.

Table 17-2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)			
Standard	C Zones	I Zones	PSP
Minimum Lot Area (square feet) *Development must conform to lot width, depth, yard setback, and coverage standards.	None	None	None
Minimum Lot Width and Depth	None	None	None
Building and Structure Height			
<u>Standard</u> maximum height	55 ft	55 ft	55 ft
* <u>Height Increase</u> The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 17-4.4.]	Yes	Yes	Yes

17-2.2 – Zoning District Regulations | Lot and Development Standards

Table 17-2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)			
Standard	C Zones	I Zones	PSP
<u>Fences and Non-Building Walls</u> Maximum Height – Front Yard Maximum Height – Interior Side Maximum Height – Rear Yard Maximum Height – Street-Side or Reverse Frontage Lot (rear) (See also, Section 17-3.4.040.)	4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer	Same as for C zones, except where City requires screens	
Lot Coverage I. Maximum Lot Coverage (foundation plane as % of site area)	100%	100%	NA
Minimum Landscape Area (% site area) , includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single- family dwellings. Landscape area may include street trees and civic space improvements in some zones, per Sections 17-3.2.050 and 17-3.4.030.	5%	5%	10%

17-2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones

(Except as provided by 17-4.3.050, Chapter 17-4.7 Adjustments and Variances, or as approved under Chapter 17-4.8 Master Planned Developments.)

Standard	C Zones	I Zones	PSP
<p>Minimum Setback Yards (feet): (See also, Section 17-2.2.080, R Height Step-Down.)</p> <p><u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions</p> <p><u>Garage or Carport Entry</u>, setback from street</p> <p><u>Alley</u></p> <p><u>Adjacent to R Districts</u></p>	0 ft	0 ft	0 ft
	20 ft	20 ft	20 ft
	3 ft	3 ft	3 ft
	10 ft	10 ft	10 ft
<p>Build-To Line (feet): <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. To avoid encroachment into the right-of-way, doorways are not required to be flush with the build-to-line.</p>	0 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street	Not Applicable	
<p>Special Setback for Planned Street Improvements: Except as waived by the City Engineer, new structures or additions on lots abutting an existing public street that does not meet the right-of-way standards of Section 17-3.6.020, shall provide setbacks sufficient to allow for the future planned right-of-way, plus the minimum required yard setback.</p>			
<p>Note: Always locate utilities and utility easements before construction.</p>			

17-2.2 –Zoning District Regulations | Setback Yards Exceptions

17-2.2.050 Setback Yards Exceptions

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than 36 inches, provided that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the vision clearance standards in subsection 17-3.3.030.G are met.
2. Porches, decks, patios, steps and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 17-2.2.040 and .050, and 17-3.4.040.

B. Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Section 17-2.2.040 and .050, and the design standards (e.g., materials and landscape buffer requirements) of Section 17-3.4.040.

C. Flag Lots

Where a flag lot is proposed, the Planning Official shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:

1. Front yard parallel to the street providing automobile access; or
2. Front yard parallel to the flagpole from which driveway access is received.

Flag lots shall comply with Section 17-4.3.050. The City may impose reasonable conditions to ensure flag lot development is compatible with adjacent uses.

17-2.2 –Zoning District Regulations | Density Standards

17-2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 17-2.2.040.D, except as provided below in subsections A-E:

- A.** Residential care homes and facilities, senior housing, accessory dwellings, and subdivisions where the average slope exceeds 15 percent are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat. Density standards shall be listed in conditions of approval to ensure proposed density is met.
- C.** Partitions and construction of single-family homes on lots exceeding 20,000 square feet shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.
- D.** Minimum and maximum housing densities are calculated by multiplying the total net buildable area by the applicable density standard. Net buildable area is defined as the area of a site for residential or non-residential development, excluding street right-of-ways and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities. “Net buildable area” is expressed either in acres or square feet.
- E.** Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating density.

17-2.2 –Zoning District Regulations | Lot Coverage, Height Measurement

17-2.2.070 Lot Coverage

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 17-2.2.040.D and 17-2.2.040.E, and is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 30 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, steps, parking pads, and patios that do not meet the minimum elevation of 30 inches above grade.

17-2.2.080 Height Measurement, Exceptions, and Transition

- A. Building Height Measurement.** Building height is measured pursuant to the State of Oregon Structural Specialty Code.
- B. Exception from Maximum Building Height Standards.** Except as required pursuant to Federal Administration Aviation regulations, chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

Chapter 17-2.3 – Special Use Standards

Sections:

17-2.3.010	Purpose
17-2.3.020	Applicability
17-2.3.030	Review Process
17-2.3.040	Artisanal and Light Manufacture Uses
17-2.3.050	Drive-Through Service
17-2.3.060	Duplex Dwellings
17-2.3.070	Townhomes, Attached Single-Family Dwellings
17-2.3.080	Multifamily Development
17-2.3.090	Dwellings in Commercial Zones
17-2.3.100	Family Daycare
17-2.3.110	Residential Care Homes and Residential Care Facilities
17-2.3.120	Home Occupations
17-2.3.130	Manufactured Home on a Single-Family Lot
17-2.3.140	Manufactured Dwelling Parks
17-2.3.150	Temporary Uses
17-2.3.160	Accessory Dwellings
17-2.3.170	Bed and Breakfast Inns
17-2.3.180	Wireless Communication Facilities
17-2.4.190	Breweries, Distilleries, and Wineries

17-2.3.010 Purpose

Special uses included in Chapter 17-2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

17-2.3.020 Applicability

All uses designated as Special (“S”) Uses in Table 17-2.2.030, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 17-2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

17-2.3.030 Review Process

The City uses the procedures for Site Design Review, under Chapter 17-4.2, in reviewing proposed uses for compliance with the requirements of Chapter 17-2.3

17-2.3 – Special Use Standards

17-2.3.040 Artisanal and Light Manufacture Uses

- A. Purpose.** The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.
- B. Applicability.** The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.
- C. Standards.**
1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use.
 2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building, unless unenclosed operations are authorized by a Conditional Use Permit.
 3. Where a manufacturing use is allowed in a commercial zone and the subject site is located within 100 feet of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between 7:00 a.m. and 9:00 p.m. where it has identified concerns about noise, parking, or other impacts related to the use.
 4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.

17-2.3.050 Drive-Through Service

Drive-through service uses shall comply with the design standards of Section 17-3.2.060.

17-2.3.060 Duplex Dwellings

- A. Purpose.** The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the R zones.
- B. Applicability.** The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I Zoning Checklist review procedure, prior to submittal of building plans to the Building Official.

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- C. Standards.** Where new duplex construction is proposed on an interior (non-corner) lot the duplex shall meet all of the following standards:
1. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.
 2. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than 30 percent windows and door surface area.

17-2.3.070 Townhomes, Attached Single-Family Dwellings

- A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.
- B. Applicability.** The following standards apply to new attached single-family dwellings. The standards are applied through Zoning Checklist review, pursuant to Section 17-4.1.020, prior to issuance of building permits.
- C. Standards.** Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:
1. Each building shall contain not more than four consecutively attached dwelling units and not exceed an overall length or width of 100 feet.
 2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than 24 feet in width.
 3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.
 4. The development standards of Chapter 17-2.2 and the building and site design standards of Article 17-3 shall be met.

17-2.3.080 Multifamily Development

- A. Purpose.** The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 17-3.

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B. Applicability. This section applies to new multifamily developments.

C. Standards.

1. **Common Open Space and Landscaping.** A minimum of 15 percent of the site area in a multifamily development shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. “Site area” for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
 - d. Open space and common areas not containing recreational facilities shall be landscaped.
 - e. Buildings located in the C-I Zone are exempt from this section.

2. **Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping). This section does not apply to buildings within the C-I Zone.
 - b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units with a first floor elevation that is more than five feet above the finished grade.

3. **Building Orientation and Design, Access and Circulation, Landscaping and Screening, Parking and Loading, and, Public Facilities.** The standards of Chapters 17-3.2 through 17-3.6 shall be met.

4. **Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

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17-2.3.090 Dwellings in Commercial and Industrial Zones

- A. Purpose.** This section provides standards for residential uses in the C-1, C-2 and M-1, M-2 zones.
- B. Applicability.** This section applies to dwellings in the C-1, C-2 and M-1, M-2 zones.
- C. Standards.** Residential uses in the C-1, C-2 and M-1, M-2 zones shall conform to all of the following standards:
1. New residential uses shall not be located in a ground building floor space in the C-1 Zone along Highway 211.
 2. Single-family dwellings lawfully existing as of [effective date of this update] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to Section 17-2.030 and applicable building codes.

17-2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4). Family daycare uses must also have a current City of Molalla business license.

17-2.3.110 Residential Care Homes and Residential Care Facilities

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Care Facilities are not the same as Acute Care Facilities, which are classified as Community Service uses, and they are not the same as Senior Housing Facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

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- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multifamily dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- D. Access.** The access and circulation standards of Chapter 17-3.3 shall be met.
- E. Parking.** The parking standards of Chapter 17-3.5 shall be met.
- F. Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 17-3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 17-3.2; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I Zoning Checklist review procedure under Section 17-4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 17-4.1.040.

17-2.3.120 Home Occupations

- A. Purpose.** The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** This section applies to Home Occupation uses in Residential zones. A home-based business in a commercial zone is considered a commercial use and is not subject to the standards of this section.
- C. Home Occupation in Residential Zones.** Home Occupations of less than 1000 square feet of lot area are permitted, provided the owner completes a Zoning Checklist and obtains a City of Molalla Business License. Home Occupations greater than 1000 square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.

17-2.3 – Special Use Standards

D. Home Occupation Standards. Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.

1. Appearance of Residence.

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
- d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage.

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees.

- a. Other than people residing within the dwelling located on the home occupation site, there shall be no more than 2 employees at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

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- 4. Advertising and Signs.** Signs shall not exceed a total of four square feet of surface area on each side of one or two faces.
- 5. Vehicles, Parking, and Traffic.**
 - a. Not more than one commercially licensed vehicle associated with the home occupation is allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
 - b. There shall be no commercial vehicle deliveries between 9:00 p.m. and 7:00 a.m.
- 6. Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m., Monday through Friday.
- 7. Prohibited Home Occupation Uses.**
 - a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
 - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.
 - c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:
 - (1) Ambulance service
 - (2) Animal hospital, veterinary services, kennels, or animal boarding
 - (3) Auto and other vehicle repair, including auto painting
 - (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site
- 8. Enforcement.** With cause, the City's designated Code Enforcement Officer may visit a home occupation site to inspect the site and enforce the provisions of this Code.

17-2.3 – Special Use Standards

17-2.3.130 Manufactured Home on a Single-Family Lot

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured homes relocated into the City of Molalla shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to *[effective date of Code]*.

- A. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- B. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the home.
- C. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.
- D. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.
- E. Floodplain.** Manufactured homes shall comply following standards.
 1. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped.
 2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE.]
 3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring techniques
 4. Electrical crossover connections shall be a minimum of 12 inches above BFE.
- H. Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

17-2.3 – Special Use Standards

- I. **Prohibited.** The manufactured home shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured homes.

17-2.3 – Special Use Standards

17-2.3.140 Manufactured Dwelling Parks

Mobile home and manufactured dwelling parks (not including recreational vehicles) are permitted on parcels of one acre or larger, subject to compliance with subsections A-C, below:

- A. Permitted Uses.** Single-family residences, manufactured dwelling park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
- B. Development Standards.** Development of manufactured dwelling parks, including placement of manufactured dwellings within a park, shall comply with applicable building codes and state requirements for Manufactured Dwelling Parks in ORS Chapter 446.
- C. Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a landscape buffer of five to ten feet in width between the right-of-way and a manufactured dwelling park for the privacy and security of park residents or for privacy of adjacent residences.

17-2.3.150 Temporary Uses

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

- A. Seasonal and Special Events.** Through a Type II procedure, pursuant to Section 17-4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:
 - 1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 - 2. The use occurs for not longer than 45 consecutive days and 45 days between occurrences.
 - 3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 - 4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
 - 5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 17-3.3 Access and Circulation.

17-2.4 – Special Use Standards Overlay Zones

6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting.
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 17-3.5 Parking and Loading.
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 17-3.6 Public Facilities.
9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 17-4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

1. **Temporary sales office.** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
 - c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
2. **Model house.** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
 - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
 - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

17-2.3 – Special Use Standards

- c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 17-4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. The lot development standards of Section 17-2.2.040 are met.
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 17-3.3 Access and Circulation.
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting.
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 17-3.5 Parking and Loading.
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 17-3.6 Public Facilities.
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the Planning Official the length of time that the temporary structure may remain on a site shall not exceed six consecutive months.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 17-3.6 Public Facilities, as necessary.

17-2.4 – Special Use Standards Overlay Zones

17-2.3.160 Accessory Dwellings

Accessory dwellings are subject to review and approval through a Type II procedure, pursuant to Section 17-4.1.030, and shall conform to all of the following standards:

- A. One Unit.** A maximum of one Accessory Dwelling unit is allowed per legal lot.
- B. Floor Area.** An Accessory Dwelling unit shall not exceed 800 square feet of floor area, or 40 percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.
- C. Building Design.** The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.
- D. Building Height.** The height of an accessory dwelling shall not exceed the height of the primary dwelling.

17-2.3.170 Bed and Breakfast Inns

Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 17-4.1.030, and shall conform to all of the following standards:

- A. Accessory Use.** The use must be accessory to a permitted residential use.
- B. Maximum Size.** A maximum of six bedrooms for guests, and a maximum of 12 guests are permitted per night.
- C. Length of Stay.** The maximum length of stay is 28 days per guest; any stay longer is classified as a hotel or commercial lodging use.
- D. Employees.** The inn shall have not more than two non-resident employees on-site at any one time. There is no limit on residential employees.
- E. Food Service.** Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use.
- F. Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 17-3.4.

17-2.3 – Special Use Standards

17-2.3.180 Wireless Communication Facilities

Telecommunication facilities are to:

1. Protect the health and safety of citizens from adverse affects from radio frequency emissions;
2. Preserve the quality of living in residential areas which are in close proximity to telecommunications facilities and systems;
3. Preserve the opportunity for continued growth and service from the telecommunications industry. (Ord. 2010-15 §1; Ord. 2010-04 §1)

A. Development Standards. The following development standards apply to telecommunication facilities:

1. **Support.** Support towers shall be self-supporting.
2. **Height Limitation.** Support tower and antenna heights shall not exceed the maximum heights provided below.
 - a. If the property is zoned M-1 or M-2, and no adjacent parcel is zoned residential, the maximum height of a support tower, including antennas, is 120 feet.
 - b. If the property is zoned M-1 or M-2, and an adjacent parcel is zoned residential, the maximum height of a support tower, including antennas, is 100 feet.
 - c. For all other zoning districts, the maximum height of a support tower, including antennas, is 75 feet.
3. **Co-location.** New support towers shall be designed to accommodate co-location of additional providers.
 - a. New support towers of a height greater than 75 feet shall be designed to accommodate co-location of a minimum of two additional providers either outright or through future modification of the tower.
 - b. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate co-location of a minimum of one additional provider either outright or through future modification of the tower.
 - c. The applicant shall provide a signed statement to the City, stating that the applicant shall allow co-location with other users, provided that all reasonable safety, structural, technical and monetary requirements are met. This agreement shall also state that any future owners or operators of this site shall be required, as a condition of a sale or transfer, to allow such co-location on the tower, and to provide the City with such a co-location statement.
4. **Setbacks.** For support towers, auxiliary support equipment, and perimeter fencing shall be measured from property lines, not the lease area. The base of a tower must be setback from property lines at a distance equal to or greater than the height of the tower.

17-2.4 – Special Use Standards Overlay Zones

- 5. Auxiliary Support Equipment.** The following standards shall be required:
- a. If the property is zoned C-1, C-2, M-1, or M-2, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak.
 - b. In all other zoning districts, the auxiliary support equipment shall be located in an underground vault to the maximum extent practicable.
 - c. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- 6. Landscaping.** In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
- a. If the property is zoned M-1 or M-2, and no adjacent parcel is zoned residential, landscaping shall not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
 - b. Landscaping shall be placed completely around the perimeter of the telecommunications facility, except as required to gain access. The minimum planting height shall be a minimum of six feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.
- 7. Noise Reduction.** Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:
- a. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 decibels.
 - b. For all other cases, the sound level shall not be greater than 40 decibels when measured at the nearest residential property line.
- 8. Lighting.**
- a. Unless required by the Federal Aviation Administration or the Oregon Department of Aviation, artificial lighting of telecommunication towers and antennas shall be prohibited.
 - b. Strobe lighting is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimum necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 foot candles at the property line, and shall be shielded to keep direct light within the site boundaries.
- 9. Color.** Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.
- 10. Signage.** Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a telecommunication facility.

17-2.3 – Special Use Standards

I 1. Access Drives.

- a. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City street, an analysis of alternate access sites shall be required.
- b. Sites shall be serviced by an access adequate to ensure fire protection of the site.
- c. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way using materials to be as pervious as practicable to minimize stormwater runoff.
- d. New access drives shall be reviewed for adequate intersection sight distances.

I 2. The grouping of towers on a site, and the co-location of facilities on a single tower, is required where technically feasible. The applicant shall provide evidence to the City that such grouping or co-location is not technically feasible before any new towers may be approved.

B. Informing the City. All service providers with facilities within the City shall be required to report in writing to the Planning Official any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Official no later than January 15th of each year verifying continued use of each facility in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns the telecommunication facility or provides telecommunications services;
 - d. Loss or termination of lease with the telecommunications facility for a period of six months or longer. (Ord. 2010-15 §1; Ord. 2010-04 §1)

C. Exemptions. The following are exempt from the requirements of this chapter:

1. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and ambulance service.
2. Temporary telecommunication facilities of all types that are used by a public agency solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes.
3. Telecommunications that were legally established prior to August 2002.

17-2.4 – Special Use Standards Overlay Zones

4. Any maintenance or repair of previously approved telecommunication facilities provided that such activity does not increase the height, width, or mass of the facility.
5. Dish antennas used for residential purposes.
6. VHF and UHF receive-only television antennas provided they are 15 feet or less above the existing or proposed roof.
7. Amateur radio operator antennas located on a licensed amateur radio operator's property. (Ord. 2010-15 §1; Ord. 2010-04 §1)

D. Removal of discontinuance of service. Any telecommunications facility that has not provided service for 6 months, may at the Planning Official's discretion, be deemed a nuisance and shall be subject to removal under the nuisance abatement provisions of this Code. (Ord. 2010-15 §1; Ord. 2010-04 §1)

E. Fees. Notwithstanding any other provisions of this Code, the Planning Official may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.3.190 Wineries, Distilleries and Breweries

Where allowed, small-scale wineries, breweries, or distilleries are permitted provided all of the following are met:

- A. Primary use.** The primary use on-site is winery, brewery, or distillery.
- B. Floor area for retail sales, eating, and drinking.** The floor area devoted to retail sales, eating and drinking, and similar customer uses is at least 20 percent of the total floor area.
- C. Floor area for production and storage.** The floor area devoted to production, storage, and related uses does not exceed 5,000 square feet.

17-2.4 – Overlay Zones

Chapter 17-2.4 – Overlay Zones

Sections:

17-2.4.010	Support Commercial (SC) Overlay Zone
17-2.4.020	Public/Semi-Public Uses (PSP) Overlay Zone
17-2.4.030	Water Resources Overlay (WR) Zone
17-2.4.040	Historic Overlay (HR) Zone

17-2.4.010 Support Commercial (SC) Overlay

- A. Purpose.** The purpose of the Support Commercial (SC) Overlay District allows support commercial uses in designated transitional industrial areas. This zone is applied over the base M-2 Industrial District in those areas where small parcels are unlikely to be used for heavy industrial purposes.
- B. Use and Dimensional Standards.** The list of permitted and conditional uses, as well as the lot size and dimensional standards of the M-2 District shall apply to land within the SC Overlay District. This zone should allow for support type commercial uses which serve the industrial zone.
- C. Minimum Lot Sizes.** No lot shall be reduced to less than ½ acre in size. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.4 – Overlay Zones

17-2.4.020 Public/Semi-Public Uses (PSP) Overlay

A. Purpose. The purpose of the Public/Semi-Public District is to accommodate the sighting of public or semi-public facilities. This chapter ensures that these facilities are properly located and that they are compatible with surrounding neighborhoods.

B. Principle Uses Permitted Outright.

1. City and other public parks and ancillary facilities.
2. Public buildings, including schools, City administration, library, protective services, community facilities, spectator/participant facilities with 15,000 square feet of floor space or less.
3. Public facilities/structures/uses including water, sewer drainage facilities, and similar uses.
4. Public/semi-public open space uses including playgrounds and similar uses.
5. Government buildings and administrative or protective services.
6. Governmental structure or use including public parks, playground, recreation building, fire station, police station, museum, or library.
7. Public or semi-public building serving as a library, museum, or other similar purpose.
8. Public parks, playground, or recreational area, and buildings used in connection therewith.
9. Government building and administrative or protective service.
10. Indoor recreation facilities which are 15,000 square feet of floor space and under.

C. Accessory Uses Permitted Outright.

1. Agricultural or horticultural activities of a public/nonprofit nature.
2. Uses customarily incidental and subordinate to a principle use permitted outright, including parking.

D. Conditional Uses Permitted.

1. Approval of a conditional use shall not be granted unless a specific proposal meets the criteria listed in Chapter 17-4.4.
2. Camping facilities.
3. Indoor recreation facilities over 15,000 square feet.
4. Manufactured home or other structures used as a permanent residence for a night watchman or caretaker.
5. Outright permitted uses in excess of the height limitations.
6. Public buildings, including schools, City administration, library, protective services, community facilities, spectator/participant facilities exceeding 15,000 square feet of floor space.

17-2.4 – Overlay Zones

7. Public or semi-public administrative offices.
8. Private nursery school, kindergarten, or daycare center.
9. Recreational vehicle camping facilities.
10. Recreational vehicle camping parks.
11. Telecommunications facilities.
12. Public use facilities 15,000 square feet or greater of total floor space. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.4.030 Water Resources (WR) Overlay

- A. Purpose.** The Water Resources (WR) Overlay District is intended to protect and enhance significant wetlands, stream corridors and floodplains identified on the Molalla Natural Features Inventory by:
1. Conserving significant riparian corridors, undeveloped floodplains and locally significant wetlands in keeping with the requirements of State Planning Goal 5 (Natural Resources) and applicable state statutes and administrative rules, and the Molalla Comprehensive Plan;
 2. Protecting and enhancing water quality;
 3. Preventing property damage during floods and storms;
 4. Limiting development activity in designated riparian corridors;
 5. Protecting native plant species;
 6. Maintaining and enhancing fish and wildlife habitats; and
 7. Conserving associated scenic and recreational values. (Ord. 2010-15 §1; Ord. 2010-04 §1)
- B. Boundaries and Setbacks.** The general location of the WR Overlay District is shown on the Molalla Comprehensive Plan Map (for areas within the UGB) and the Molalla Zoning Map (for areas within the City Limits) and includes:
1. Locally significant wetlands identified on the Molalla Local Wetlands Inventory or the Natural Features Inventory.
 2. The riparian corridor extending upland 50 feet from the tops-of-bank of Bear Creek, Creamery Creek, and the Molalla River tributary as shown on the Natural Features Map.
 - a. Where a significant wetland is located fully or partially within the riparian corridor, the riparian corridor shall extend 50 feet from the upland edge of the wetland;
 - b. The riparian buffer for isolated wetlands shall extend 25 feet from the edge of the wetland.
 3. The 100-year floodplain on properties identified as vacant or partly vacant on the 2007 Molalla Buildable Lands Inventory. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.4 – Overlay Zones

- C. The Department of State Lands Notification.** The Oregon Department of State Lands (DSL) shall be notified in writing of all applications to the City of Molalla for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals within the Molalla UGB, that may affect any wetlands, creeks or waterways identified in the Local Wetlands Inventory or Natural Features Inventory. (Ord. 2010-15 §1; Ord. 2010-04 §1)
- D. Site Plan Required.** When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the WR Overlay District, the property owner shall submit a scaled site plan to the City that that shows the precise location of:
1. Topography;
 2. The stream top-of-bank;
 3. The 100-year flood elevation;
 4. The delineated wetland boundary with documentation of concurrence by the Oregon Division of State Lands;
 5. The required riparian setback;
 6. Existing vegetative cover and type; and
 7. Existing and proposed site improvements. (Ord. 2010-15 §1; Ord. 2010-04 §1)
- E. Modification of Boundaries.** The boundaries of the WR Overlay District may be modified under the following circumstances:
1. The approval authority may modify the boundary of a significant stream corridor or wetland, and by extension the required riparian setback, based on:
 - a. A wetland delineation prepared by a professional wetland scientist;
 - b. Written concurrence by the Department of State Lands; and
 - c. A site survey, prepared by a registered land surveyor, showing the precise location of the stream top-of-bank or delineated wetland edge.
 2. The approval authority may modify the boundary of the 100-year floodplain based on a report from a registered civil engineer demonstrating the floodplain has been improperly mapped.
 3. The approval authority may modify the boundaries of an isolated significant wetland (i.e., a wetland that is not within 50 feet of the top-of-bank of a significant stream) when all of the following criteria are satisfied:
 - a. The proposed use or alteration of the wetland is approved by the U.S. Army Corps of Engineers and the Oregon Division of State Lands;
 - b. The wetland can be altered without substantial adverse impact on the natural character of the area

17-2.4 – Overlay Zones

- and function of the wetland;
- c. The wetland does not support rare or endangered species of fish, wildlife, or vegetation;
 - d. Elimination, alteration, or relocation does not significantly alter water movement, including normal levels or rates of runoff into and from wetlands;
 - e. The benefit to the public from the proposed use clearly outweighs the public good from retaining the wetland area;
 - f. Disturbance of the wetland will not require any public costs, including maintenance due to secondary impacts; and
 - g. The disturbance to the wetland will be the minimum necessary to accommodate reasonable development of the property. Efforts should be made to integrate the wetland area into the proposed development.
4. The approval authority may reduce the stream corridor boundary in highly disturbed areas by up to 25 feet when all of the following criteria are satisfied:
 - a. The average stream corridor setback for the subject property shall remain at 50 feet;
 - b. The applicant has prepared a mitigation plan demonstrating that there will be no net reduction in the water resource values, as identified in the Local Wetlands Inventory or Natural Features Inventory, whichever applies;
 - c. The mitigation plan shall include specific mitigation measures such as restoration of riparian areas, enhanced buffer treatment within the protected stream corridor, or measures to increase water quality;
 - d. The plan shall ensure removal of invasive plant species and replacement with suitable native plant species within 1 year of project approval;
 - e. The plan shall include provisions for monitoring and replacement of native plants; and
 - f. A riparian conservation easement shall be required for the protected stream corridor. (Ord. 2010-15 §1; Ord. 2010-04 §1)

F. Permitted Uses. The following uses are permitted within the WR Overlay District:

1. Trails.
2. Passive recreation uses and activities.
3. Maintenance of existing structures, lawns and gardens.
4. Normal maintenance and expansion of existing public facilities.
5. Construction of public facilities projects identified in adopted public facilities master plans.
6. Construction of transportation facilities identified in the adopted Transportation System Plan. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.4 – Overlay Zones

G. Development Regulations. In addition to the requirements of the underlying zone, the following restrictions and exceptions shall apply within the WR Overlay District:

1. **Removal of Native Vegetation.** The removal of vegetation from the WR Overlay District is prohibited except for the following:
 - a. Perimeter mowing of a wetland for fire protection purposes;
 - b. Removal of non-native vegetation and replacement with native plan species;
 - c. For the development of water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
 - d. Removal of emergent in-channel vegetation that has the potential to cause flooding; and
 - e. Hazardous Tree Removal. Hazardous trees are those that pose an imminent health, safety, or welfare threat to persons or property.
2. **Building, Paving, Grading, and Fill.** Within the WR Overlay District, the placement of structures or impervious surfaces, including grading and the placement of fill is prohibited except for the following:
 - a. Replacement of existing structures with structures located on the original building footprint that do not disturb additional wetland or riparian corridor surface area;
 - b. Streets, roads and paths that are included in the Molalla Transportation System Plan;
 - c. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture;
 - d. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities; and
 - e. In-channel erosion or flood control measures that have been approved by the Oregon Division of State Lands (DSL), the U.S. Army Corps of Engineers or another state or federal regulatory agency, that utilize bio-engineering methods (rather than rip rap).
3. The following uses and activities are prohibited within the WR Overlay District:
 - a. New residential, commercial, industrial, or public/semi-public construction;
 - b. Expansion of existing buildings or structures;
 - c. Expansion of areas of pre-existing non-native ornamental landscaping such as lawn and gardens; and
 - d. Dumping, piling, or disposal of refuse, yard debris, or other material.
4. **Site Maintenance.** Any use, sign or structure, and the maintenance thereof, lawfully existing on the date of adoption of this ordinance, is permitted within the WR Overlay District.
 - a. Such use, sign or structure may continue at a similar level and manner as existed on the date of the adoption of this ordinance.
 - b. The maintenance and alteration of pre-existing ornamental landscaping is permitted within the WR Overlay District as long as no additional native vegetation is disturbed.

17-2.4 – Overlay Zones

- c. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides.
- d. Vegetation that is removed or diseased shall be replanted with native species.
- e. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.
- f. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species. (Ord. 2010-15 §1; Ord. 2010-04 §1)

17-2.4.040 Historic Resources (HR) Overlay

- A. Designation Procedure.** The purpose of this article is to designate and preserve sites or structures in the City of Molalla that have historical significance. The Planning Commission together with the Molalla Historical Society will identify and designate sites or structures in the City, that are significant due to their historical, architectural or social character. The Planning Commission and Historical Society shall make recommendations to the City Council concerning possible historic designations. At a regularly scheduled Council meeting, the City Council shall consider the recommendations and make findings justifying its decision. Type II notice shall be given and include the following information:
- 1. The date, time and location of the hearing.
 - 2. A description of the subject property adequate to provide the actual location and which includes a legal description from the tax maps of the Clackamas County assessor.
 - 3. The nature of the proposed hearing. (Ord. 2010-15 §1; Ord. 2010-04 §1)
- B. Land Use Adjacent to Sites.** To prevent conflicts between designated historic sites and other land uses, the following shall be considered when land use actions are proposed adjacent to such sites.
- 1. Setbacks greater than those required in the subject zoning district; and
 - 2. Adequate buffering and screening of the adjacent property from the historic site. (Ord. 2010-15 §1; Ord. 2010-04 §1)
 - 3. No restrictions shall be placed on the adjacent properties that deny the reasonable use of the property. (Ord. 2010-15 §1; Ord. 2010-04 §1)

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Article 17-3 - Community Design Standards

Chapters:

- 17-3.1 Design Standards Administration
- 17-3.2 Building Orientation and Design
- 17-3.3 Access and Circulation
- 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting
- 17-3.5 Parking and Loading
- 17-3.6 Public Facilities

3.1 – Design Standards Administration | Purpose

Chapter 17-3.1 - Design Standards Administration

Sections:

17-3.1.010	Purpose
17-3.1.020	Applicability

17-3.1.010 Purpose

Article 17-3 contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, and adequate public facilities.

17-3.1.020 Applicability

The provisions Article 17-3 apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 17-3.1.020.

17-3.2 – Building Orientation and Design | Purpose

Table 17-3.1.020 Applicability of Design Standards to Approvals and Permits						
Approvals	17-3.2 Building Design	17-3.3 Access Circulation	17-3.4 Landscaping, Fences and Walls, Outdoor Lighting	17-3.5 Parking & Loading	17-3.6 Public Facilities	
Zoning Checklist Review	Review and determine whether land use application is required.					
Access or Approach Permit	N	Y	N	Y	Y	
Adjustment	Individual chapters may apply, depending on the adjustment request.					
Annexation	N	N	N	N	Y	
Building Permit	The City reviews building plan proposals through a Type I (Zoning Checklist) procedure and determine which standards apply.					
Code Interpretation	Standards are subject to City interpretation under Chapter 17-1.5.					
Code Text Amendment	Chapters apply where amendment affects design standards.					
Comprehensive Plan Map Amendment	N	N	N	N	Y	
Conditional Use Permit	Y	Y	Y	Y	Y	
Home Occupation	N	N	N	N	N	
Legal Lot Determination	N	Y	N	N	Y	
Master Planned Development	Y	Y	Y	Y	Y	
Modification to Approval or Condition of Approval	Individual chapters may apply, depending on the modification request.					
Non-Conforming Use or Structure, Expansion of	Y	Y	Y	Y	Y	
Partition or Re-plat of two-three lots (See also, Chapter 17-4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	
Property Line Adjustments, including Lot Consolidations (See also, Chapter 17-4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	
Site Design Review (See also, Chapter 17-4.2)	Y	Y	Y	Y	Y	
Subdivision or Replat of >three lots (See also, Chapter 17-4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	
Adjustments	Individual chapters may apply, depending on the variance request.					
Zoning District Map Change	N	N	N	N	Y	N

17-3.2 – Design Standards Administration - Applicability

Chapter 17-3.2 – Building Orientation and Design

Sections:

17-3.2.010	Purpose
17-3.2.020	Applicability
17-3.2.030	Residential Buildings
17-3.2.040	Non-Residential Buildings
17-3.2.050	Civic Space and Pedestrian Amenities
17-3.2.060	Drive-Up and Drive-Through Uses and Facilities
17-3.2.070	R-5 Historic Design District Standards

17-3.2.010 Purpose

Chapter 17-3.2 regulates the placement, orientation, and design of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. In summary, Chapter 17-3.2 is intended to create and maintain a built environment that:

- A.** is conducive to walking and bicycling;
- B.** provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C.** reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D.** encourages the use of water-conserving landscaping;
- E.** allows for the integration of surface water management facilities within parking lots and landscape areas; and
- F.** creates a sense of place that is consistent with the character of the community, including historical development patterns and the community vision.

17-3.2.020 Applicability

Chapter 17-3.2 applies to all new buildings, including single-family detached homes, and exterior alterations to existing buildings. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.2, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances.

17-3.2 – Building Orientation and Design | Residential Buildings

17-3.2.030 Residential Buildings

- A. Purpose.** The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; addresses the orientation and design of garages; and creates a human-scale design, e.g., with buildings placed close to public ways and large building walls divided into smaller planes with detailing.
- B. Building Orientation.** Residential buildings that are subject to the provisions of this chapter, pursuant to Section 17-3.2.020, shall conform to all of the following standards in subsections 1-3, below, as generally illustrated in Figure 17-3.2-1. Figure 17-3.2-2 provides examples of non-compliance.
- 1. Building Orientation to Street.** Except as provided below, dwelling units shall orient toward a street, have a primary entrance opening toward the street, and be connected to the right-of-way with an approved walkway or residential front yard.
 - a. A dwelling may have its primary entrance oriented to a yard other than the front or street yard where the only permitted access to the property is from a shared driveway or flag lot drive and orienting the dwelling entrance to the street is not practical due to the layout of the lot and driveway.
 - b. Where there is no adjacent street to which a dwelling may be oriented, or it is not practical to orient a dwelling to an adjacent street due to lot layout, topographic, or other characteristics of the site, the dwelling may orient to a walkway, courtyard, open space, common area, lobby, or breezeway (i.e., for multifamily buildings).
 - c. Where a flag lot is permitted, building orientation shall conform to the provisions for flag lots under Chapter 17-4.3.
 - 2. Limitation on Parking Between Primary Entrance and Street.** Off-street parking is not allowed between a primary building entrance and the street to which it is oriented, except that assisted living facilities, group care facilities, and similar institutional-residential uses serving clients with disabilities may have one driveway located between the primary building entrance and an adjacent street as required to serve as a drop-off or loading zone, provided the primary building entrance shall connect to an adjacent street by a pedestrian walkway that conforms to the standards of Section 17-3.3.040. The intent of this exception is to provide for one drop-off or loading zone while maintaining a direct, convenient, and safe pedestrian access to a primary building entrance.
 - 3. Build-to Line.** Where a new building is proposed in a zone that requires a build-to line per Section 17-2.2.040, the building shall comply with the build-to line standard and the development shall meet the standards for pedestrian access under Section 17-3.3.040.

17-3.2 – Building Orientation and Design | Residential Buildings

Examples of Code Compliant Features

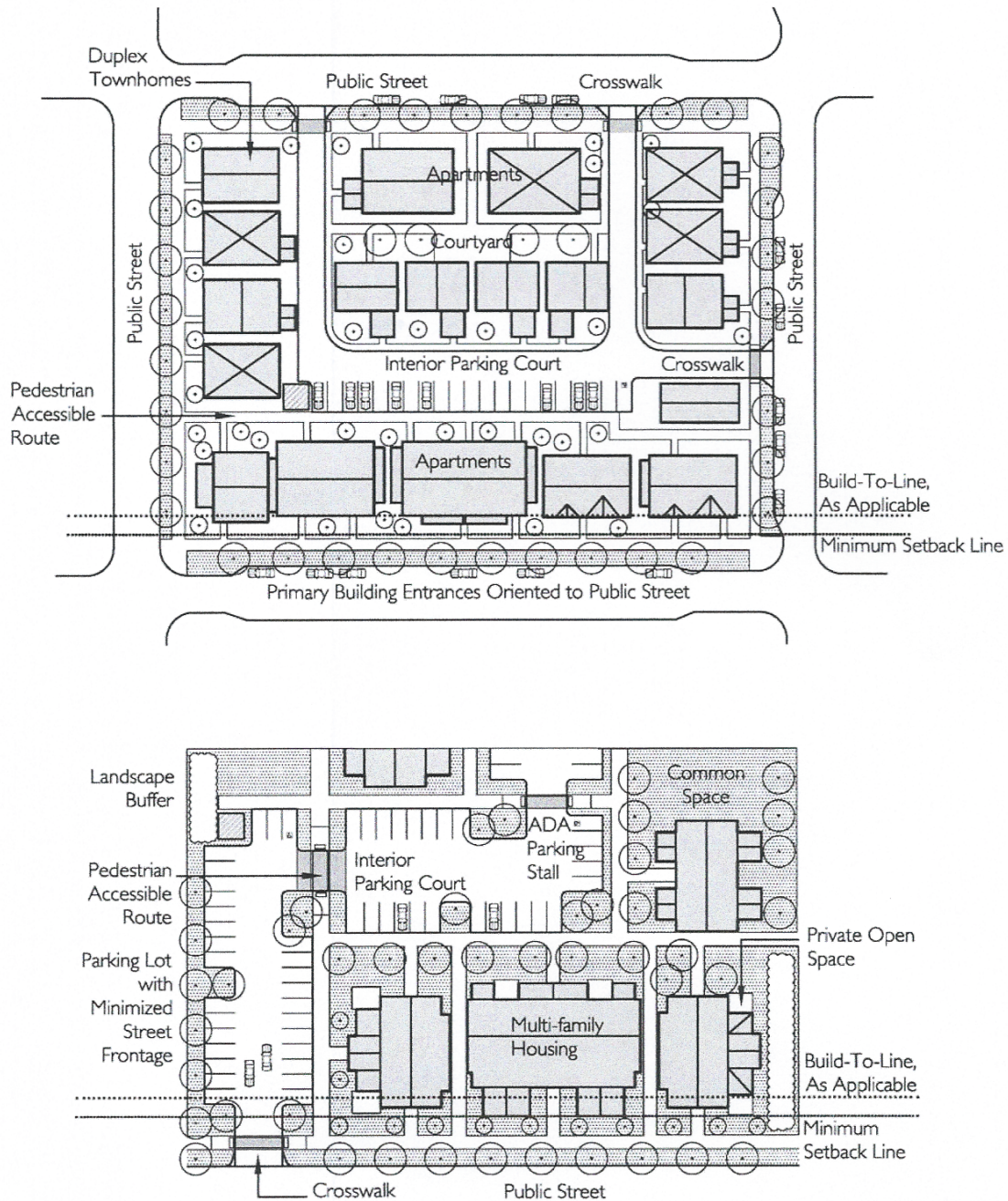


Figure 17-3.2-1

17-3.2 – Building Orientation and Design | Residential Buildings

Examples of Non-Compliant Features

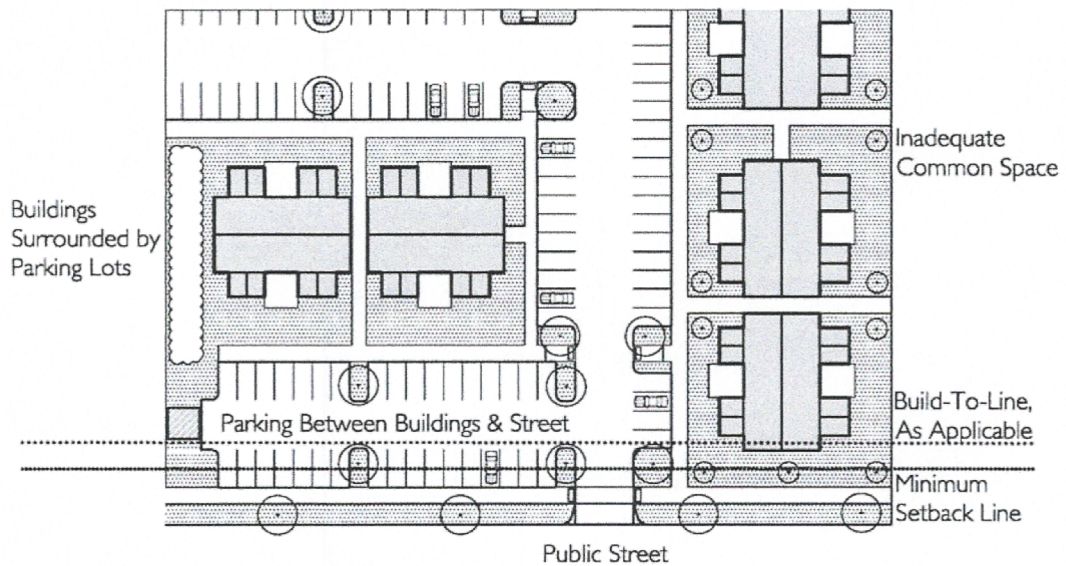


Figure 17-3.2-2

C. Garages. The following standards apply to all types of vehicle storage, including, but not limited to, buildings, carports, canopies, and other permanent and temporary structures. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages.

1. **Alleys and Shared Drives.** Where a dwelling abuts a rear or side alley, or a shared driveway, including flag lot drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
2. **Setback for Garage Opening Facing Street.** No garage or carport opening shall be placed closer than 16 feet to a street right-of-way. On corner lots, garages facing a side street (i.e., not the same street as the front entrance) may be located closer than 16 feet to a street right-of-way.
3. **Width of Garage Openings Facing Street.** Where one or more garage openings face a street, the total width of all garage openings on that building elevation shall not exceed 50 percent of the width of that elevation; except this standard does not apply where the garage opening is recessed behind the front elevation of the dwelling by not less than four feet for its entire width, or where all garage openings are placed behind the primary entrance to the dwelling. An arbor, portico, or similar architectural feature extending the entire width of the garage may be used as the basis of measuring the

17-3.2 – Building Orientation and Design | Residential Buildings

garage recess. A garage opening is considered to be facing a street where the opening is parallel to, or within 45 degrees of, the street right-of-way line.

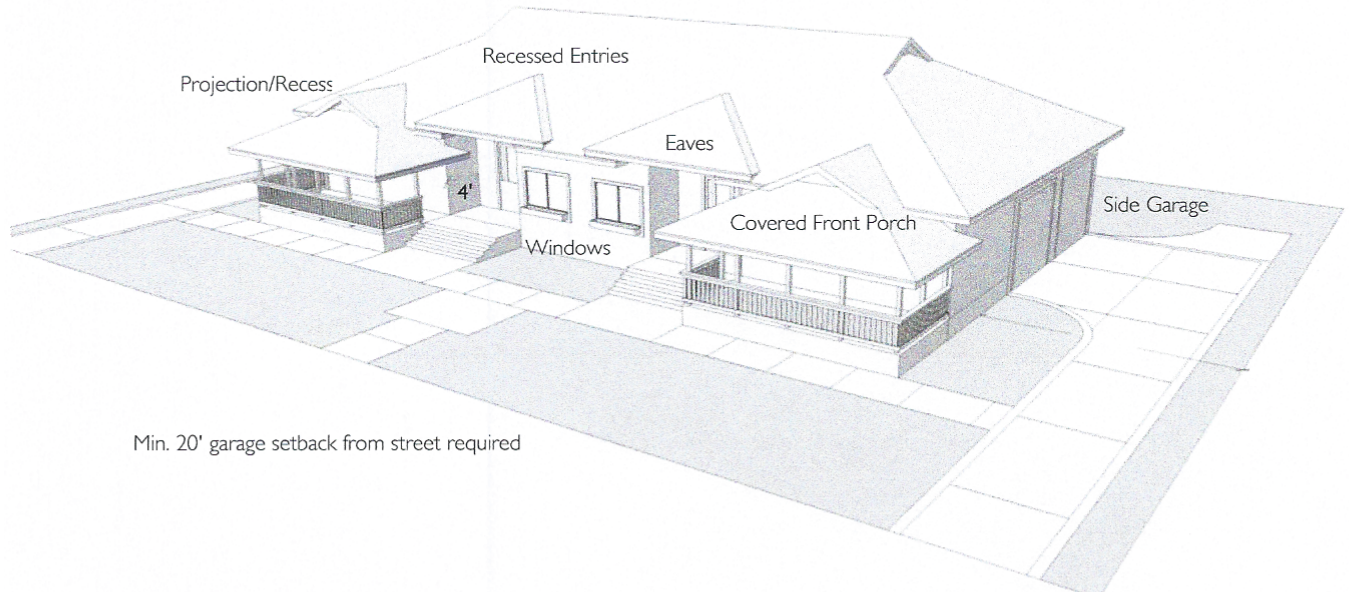
4. Three-Car and Wider Garages. Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street-facing elevation and diminish the appearance of the garage from the street. Side-loaded garages, on interior lots, i.e., where the garage openings are turned away from the street, are exempt from this requirement.

5. Garages for Duplex Dwellings. Duplex design shall conform to Section 17-2.3.060.

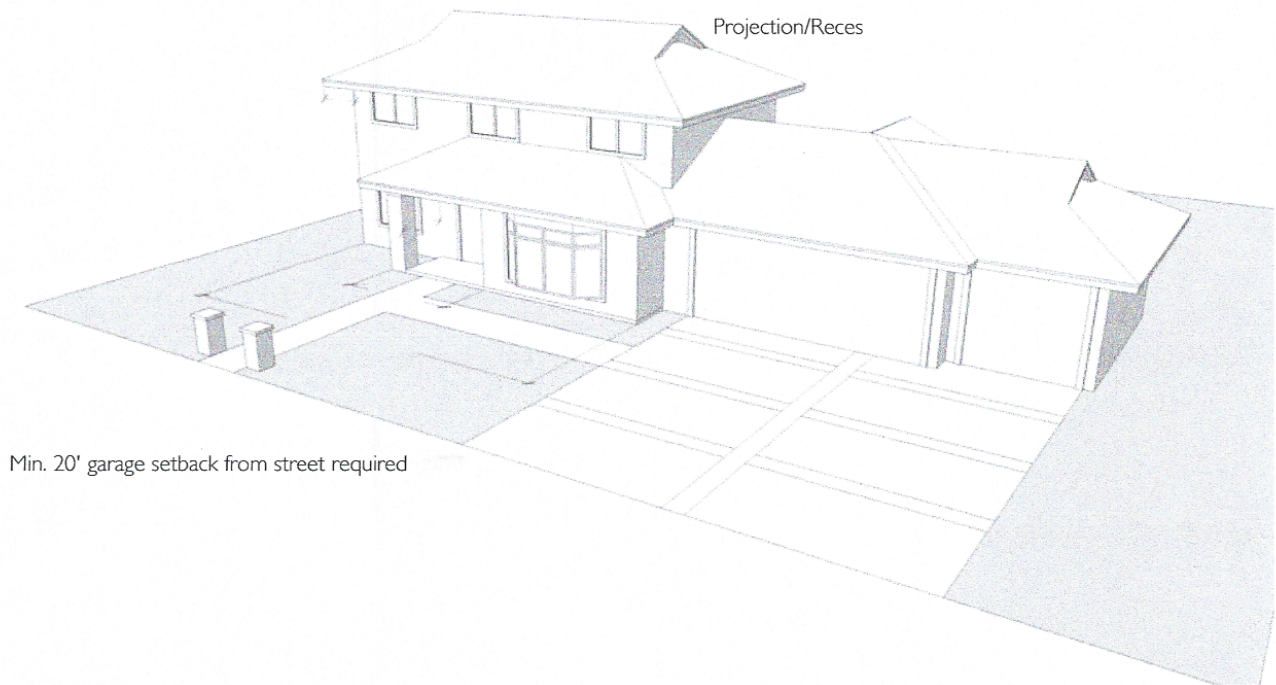
D. Architecture. The following standards require variation in architectural plans to avoid monotony in new developments. The standards support the creation of architecturally varied neighborhoods, whether a neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance. The standards are applied through the Site Design Review process for new townhome dwellings and new multifamily dwellings, and through the Zoning Checklist (Type I) review process prior to issuance of building permits for new single-family dwellings and new duplex dwellings. In addition to the following requirements, duplexes, townhomes, and multifamily projects shall conform to the special use standards of Chapter 17-2.3.

- I. Detailed Design.** Dwelling designs shall incorporate not fewer than four architectural features per dwelling unit from a-k below, as generally illustrated in this Chapter. Applicants are encouraged to use those elements that best suit the proposed building style and design.
- a. Covered front porch: not less than six feet in depth and not less than 30 percent of the width of dwelling, excluding the landing for dwelling entrance.
 - b. Dormers: minimum of two required for each single-family dwelling and two each for other dwellings; must be a functional part of the structure, for example, providing light into a living space.
 - c. Recessed entrance: not less than four feet deep.
 - d. Windows: not less than 30 percent of surface area of all street-facing elevation(s).
 - e. Window trim: minimum four inch width (all elevations).
 - f. Eaves: overhang of not less than 12 inches.
 - g. Offset: offset in facade and/or roof (see subsection 2, "Articulation"); counts twice if both façade and roof offsets are provided.
 - h. Bay window: projects from front elevation by 12 inches.
 - i. Balcony: one per dwelling unit facing street.
 - j. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
 - k. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the Planning Official through a Type I procedure.

17-3.2 – Building Orientation and Design | Residential Buildings

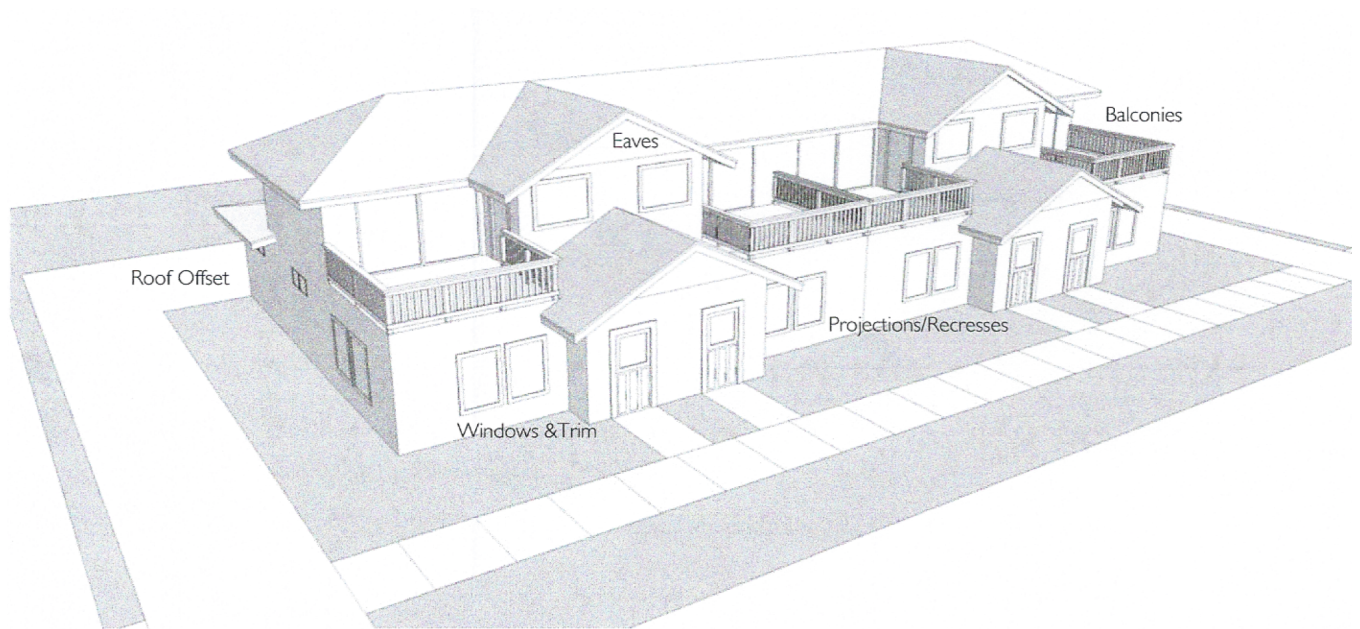


Duplex Dwelling Design Figure 17-3.2-3



Single Family Dwelling Design – Extra-Large Garage Figure 17-3.2-4

17-3.2 – Building Orientation and Design | Residential Buildings



Multi-Family Dwelling Design Figure 17-3.2-5

2. Articulation

Plans for residential buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 40 feet, and each floor shall contain at least two elements from the following options, as generally illustrated in this section 17-3.2.030.

- a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;
- b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or
- c. Offsets or breaks in roof elevation of two feet or greater in height.

17-3.2 – Building Orientation and Design | Residential Buildings

- 3. House Plan Variety.** This section applies to land divisions and new developments with five or more residential buildings. No two directly adjacent or opposite dwelling units in a single-family development, or buildings in a multifamily development, may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by no fewer than three of the elements listed in a-g below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet the above standard. Land division approvals will be conditioned to assure compliance with this section.
- a. **Materials** – The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This criterion does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. Materials used on the front facade must turn the corner and extend at least two feet deep onto the side elevations.
 - b. **Articulation** – The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this criterion to apply, a recess must have a minimum depth of four feet and a projection or offset must be at least four feet in depth.
 - c. **Variation in Roof Elevation** – The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), or different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed).
 - d. **Entry or Porch** – The plans have different configuration or detailing of the front porch or covered entrance.
 - e. **Fenestration** – The plans have different placement, shape, or orientation of windows or different placement of doors.
 - f. **Height** – The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four feet from building to building, or from dwelling unit to dwelling unit (e.g., townhome units), as applicable. Changes in grade of eight feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.
 - g. **Color Palette** - Variation in color palette.

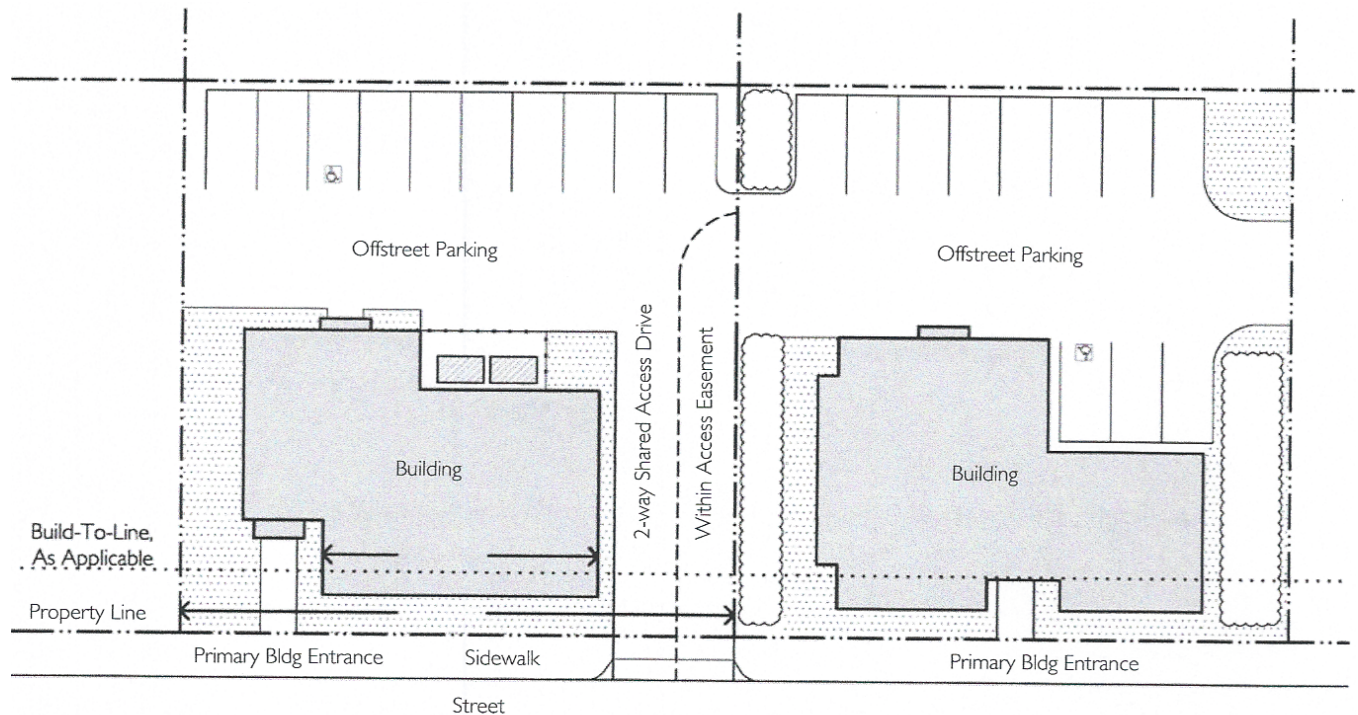
17-3.2 – Building Orientation and Design | Non-Residential Buildings

17-3.2.040 Non-Residential Buildings

- A. Purpose and Applicability.** The following requirements apply to non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing.
- B. Building Orientation.** The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 17-4.2 and Chapter 17-4.7, respectively.
- I. Buildings subject to this Section shall conform to the applicable build-to line standard in Table 17-2.2.040.E, as generally illustrated in Figure 17-3.2-6. The standard is met when at least 50 percent of the abutting street frontage has a building placed no farther from at least one street property line than the build-to line in Table 17-2.2.040.E; except in the Central Commercial C-I zone, at least 80 percent of the abutting street frontage shall have a building placed no farther from at least one street property line than the required build-to-line. The Planning Official, through Site Design Review, may waive the build to line standard where it finds that one or more of the conditions in subsections (a)-(g) occurs.
 - a. A proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
 - b. The standards of the roadway authority preclude development at the build-to line.
 - c. The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way, pursuant to Section 17-3.2.050 and subject to Site Design Review approval.
 - d. The build-to line may be increased to provide a private open space (e.g., landscaped forecourt), pursuant to Section 17-3.2.050, between a residential use in a mixed-use development (e.g., live-work building with ground floor residence) and a front or street property line.
 - e. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
 - f. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location pursuant to Section 17-3.2.050.

17-3.2 – Building Orientation and Design | Non-Residential Buildings

- g. An existing building that was lawfully created but does not conform to the above standard is proposed to be expanded and compliance with this standard is not practicable.



Non-Residential Building Orientation Figure 17-3.2-6

2. Except as provided in subsections 17-3.2.040.C(5)-(6), below, all buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk in conformance with Section 17-3.3.040.
3. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.
4. Off-street parking shall be oriented internally to the site to the extent practicable, and shall meet the Access and Circulation requirements of Chapter 17-3.3, the Landscape and Screening requirements of Chapter 17-3.4, and the Parking and Loading requirements of Chapter 17-3.5.
5. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting

17-3.2 – Building Orientation and Design | Non-Residential Buildings

the requirements under Section 17-3.2.050, subject to Site Design Review approval. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway conforming to Section 17-3.3.040.

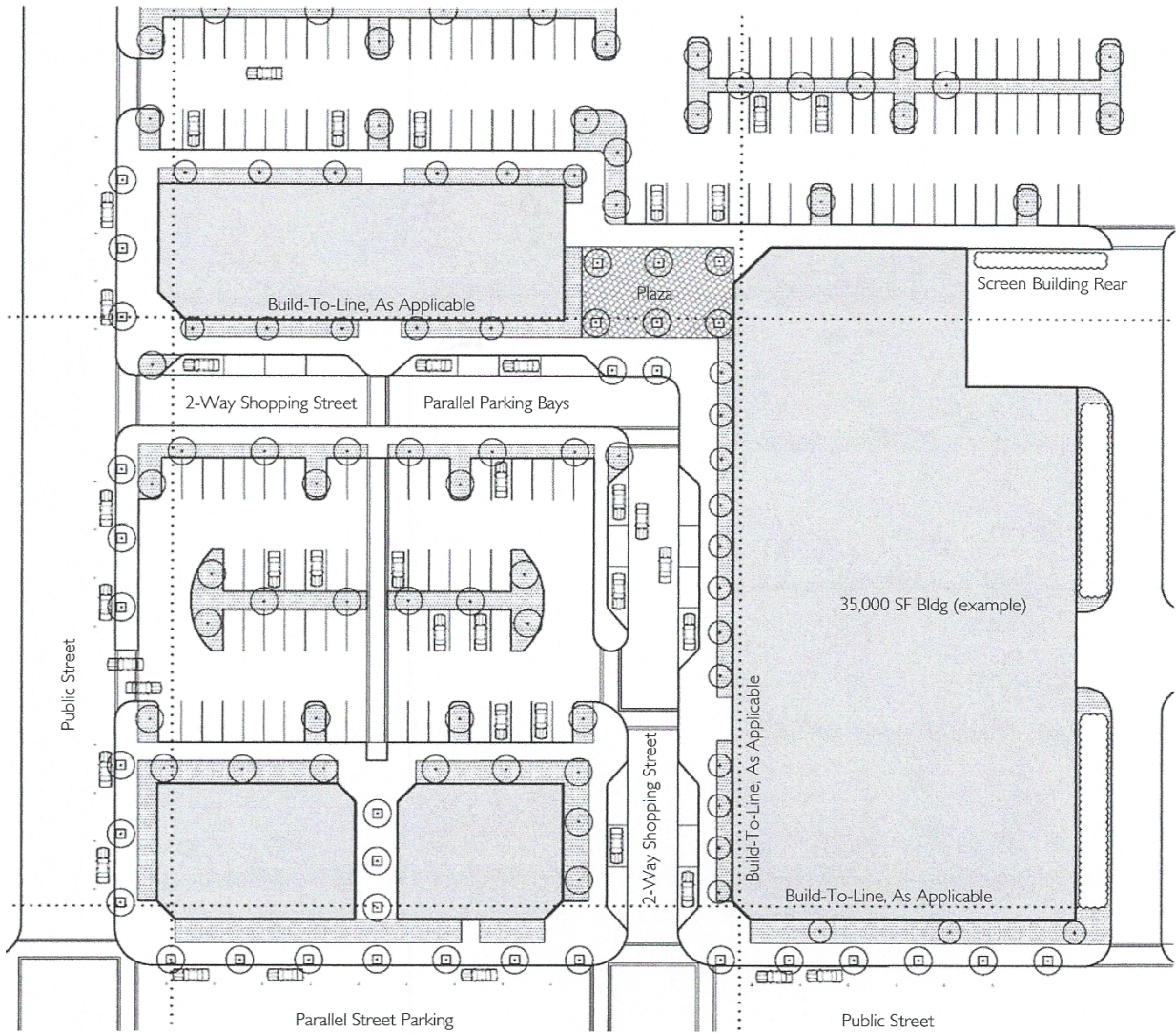
C. Large-Format Developments. Plans for new developments, or any phase thereof, with a total floor plate area (ground floor area of all buildings) greater than 35,000 square feet, shall meet all of the following standards in subsections 1-9, below, as generally illustrated in Figure 17-3.2- 7. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 17-4.2 and Chapter 17-4.7, respectively.

1. The site plan or preliminary subdivision plan, as applicable, shall comply with the street connectivity standards of Section 17-3.6.020. The plan approval shall bind on all future phases of the development, if any, to the approved block layout.
2. Except as provided by subsection 17-3.2.040.C(6)-(9), below, the site shall be configured into blocks with building pads that have frontage onto improved streets meeting City standards, and shall contain interior parking courts and with interconnected pedestrian walkways.
3. The build-to line standards in Table 17-2.2.040.E shall be met across not less than 75 percent of the site's street frontage, consistent with subsection 17-3.2.040.B, except the build-to standard does not apply where a railroad, expressway, water body, topographic constraint, or similar physical constraint makes it impractical to orient buildings to a particular street or highway.
4. Walkways shall connect the street right-of-way to all primary building entrances, and shall connect all primary building entrances to one another, including required pedestrian crossings through interior parking areas, if any, in accordance with Section 17-3.3.040. The Planning Official may condition development to provide facilities exceeding those required by Section 17-3.3.040, including a requirement for lighting, stairways, ramps, and midblock pedestrian access ways (e.g., to break up an otherwise long block) to ensure reasonably safe, direct, and convenient pedestrian circulation. Development in the right-of-way shall be approved by the City Engineer.
5. Buildings placed at a block corner shall have a primary entrance oriented to the block corner. That entrance shall be located no more than 20 feet from the corner, as measured from the street curb and shall have a direct and convenient pedestrian walkway connecting to the corner sidewalk.
6. All buildings shall orient to a street, pursuant to subsection 17-3.2.040.B. Where it is not practical to orient all buildings to streets due to existing parcel configuration or a similar site constraints, buildings may orient to a "shopping street" providing, at a minimum, on-street parking (parallel or angled parking), 10-foot sidewalks (which shall include a four-foot zone for street trees and furnishings such as benches and other street furniture), and pedestrian-scale lighting. Shopping street dimensions do not apply to the public right of way.
7. Each building that is proposed as orienting to a shopping street shall comply with the orientation standards of Section 17-3.2.040.B in reference to the shopping street, and shall have at least one primary entrance oriented to the shopping street.
8. Where a building fronts both a shopping street and a public street, that building shall contain at least one primary entrance oriented to each street; except that an entrance is not required where the public

17-3.2 – Building Orientation and Design | Non-Residential Buildings

street is not improved with a sidewalk and the City determines that sidewalk improvements to the public street cannot required as a condition of approval.

9. All other provisions of this Code apply to large-format developments.



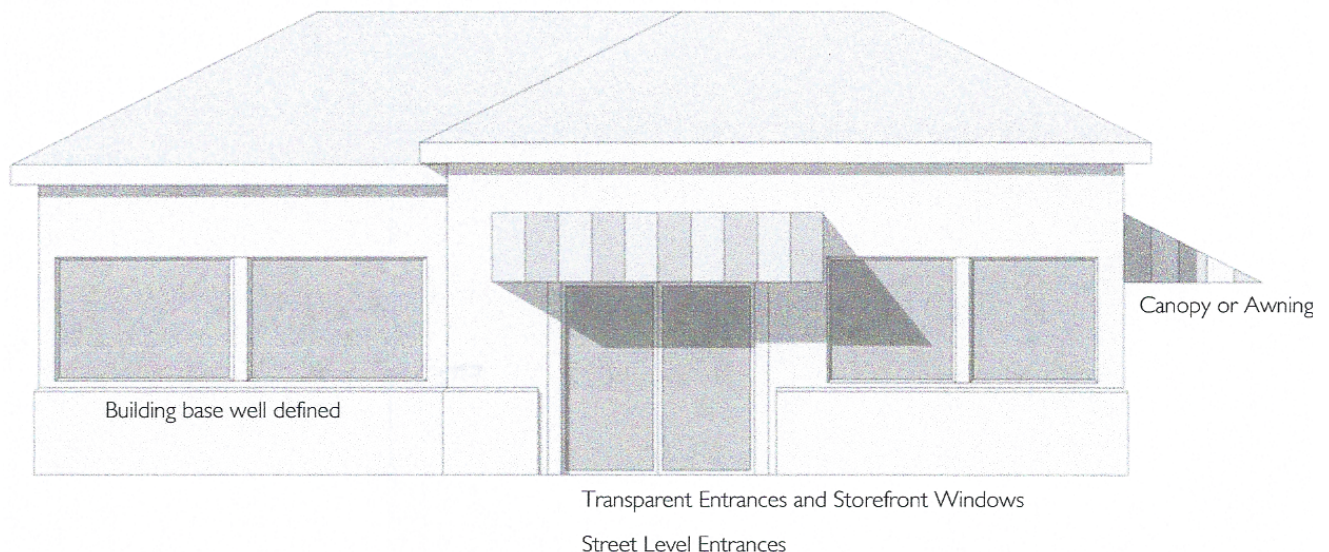
Large-Format Developments Figure 17-3.2-7

17-3.2 – Building Orientation and Design | Non-Residential Buildings

- D. Primary Entrances and Windows.** The following standards, as generally illustrated in Figures 17-3.2-8 and 9, apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 17-4.2 and Chapter 17-4.7, respectively.
1. **All Elevations of Building.** Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity. Materials used on the front facade must turn the building corners and include at least a portion of the side elevations, consistent with the overall composition and design integrity of the building.
 2. **Pedestrian Entrances.** Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window or windows, a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
 3. **Corner Entrances.** Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.
 4. **Street Level Entrances.** All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
 5. **Windows – General.** Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
 6. **Storefront Windows.** Storefront windows shall consist of framed picture or bay windows, which may be recessed. Framing shall consist of trim detailing such as piers or pilasters (sides), lintels or hoods (tops), and kick plates or bulkheads (base)—or similar detailing—consistent with a storefront character. The ground floor, street-facing elevation(s) of all buildings shall comprise at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 72 inches above the sidewalk grade.
 7. **Defined Upper Story(ies).** Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

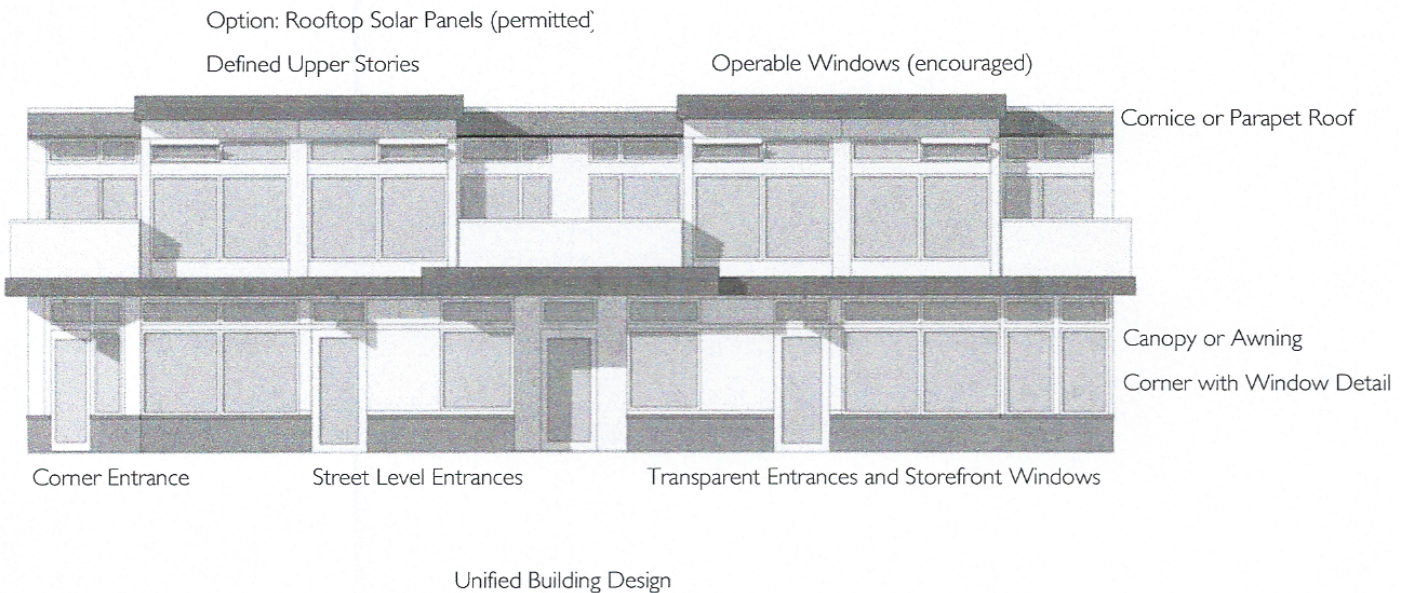
17-3.2 – Building Orientation and Design | Non-Residential Buildings

- 8. Buildings Not Adjacent to a Street.** Buildings that are not adjacent to a street or a shopping street, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the 60 percent transparency standard on all elevations abutting civic spaces(s) and on elevations containing a primary entrance.
- 9. Side and Rear Elevation Windows.** All side and rear elevations, except for zero-lot line or common wall elevations, where windows are not required, shall provide not less than 30 percent transparency.
- 10. Window Trim.** At a minimum, windows shall contain trim, reveals, recesses, or similar detailing of not less than four inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
- 11. Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed, provided they do not encroach into the pedestrian through-zone.
- 12. Window Exceptions.** The Planning Official may approve an exception to the above standards where existing topography makes compliance impractical. Where it is not practicable to use glass, windows for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles window patterns (rhythm and scale).



Small Commercial Building Design Figure 17-3.2-8

17-3.2 – Building Orientation and Design | Non-Residential Buildings



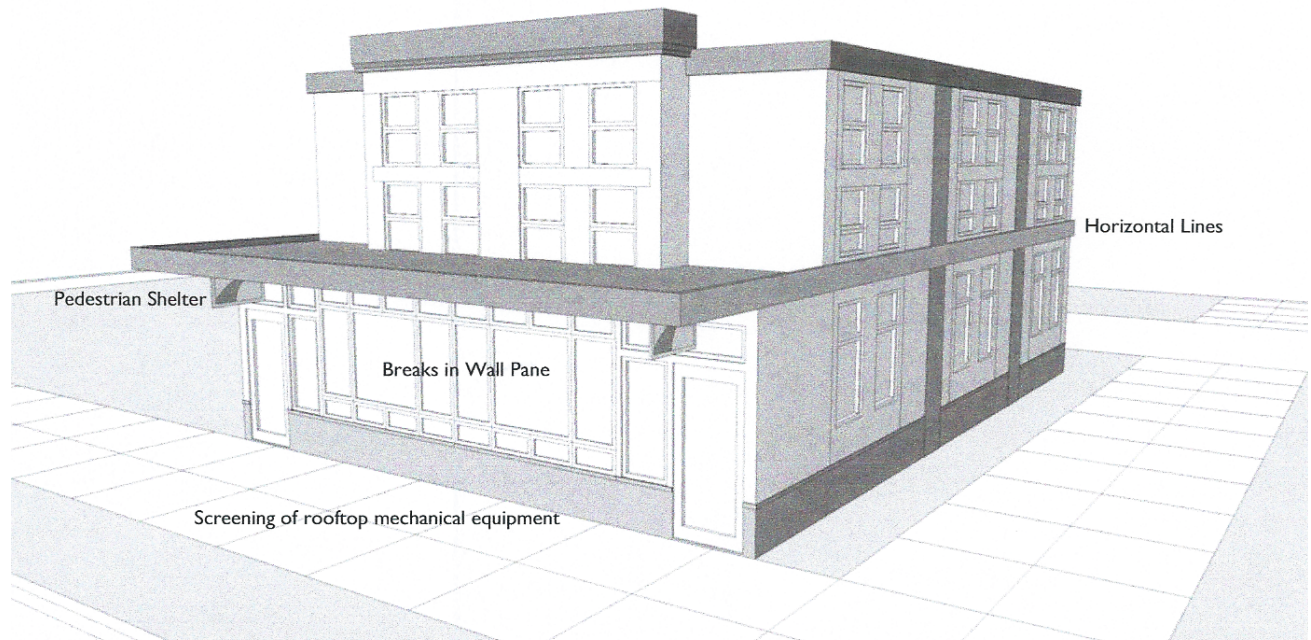
Large Commercial/Mixed-Use Building Design Figure 17-3.2-9

E. Articulation and Detailing. The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 17-4.2 and Chapter 17-4.7, respectively.

- I. Articulation.** All building elevations that orient to a street or civic space shall have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, pursuant to the following standards, which are generally illustrated in Figures 17-3.2-10, 17-3.2-11, and 17-3.2-12.
 - a. A “break” for the purposes of this subsection is a change in wall plane of not less than 24 inches in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
 - b. The Planning Official through Site Design Review may approve detailing that does not meet the 24-inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historic-contributing buildings existing in the vicinity.
 - c. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
 - d. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plane standard but should complement the overall building design.

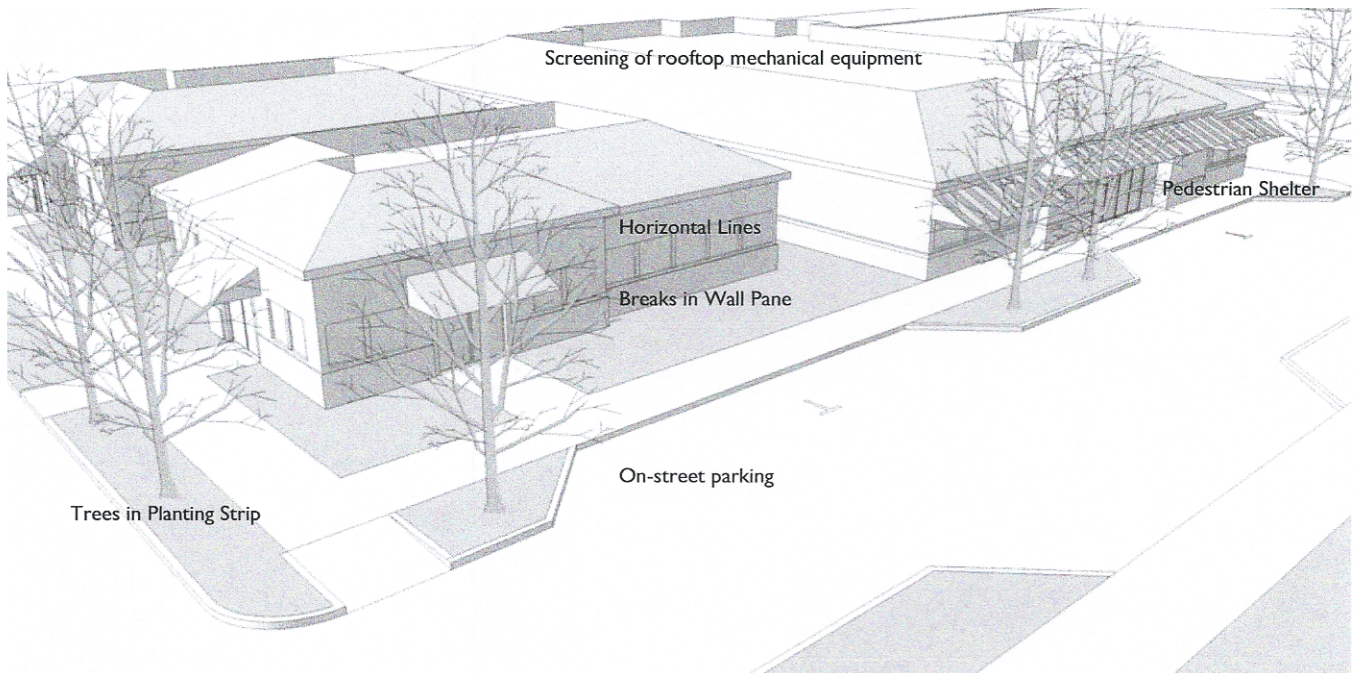
17-3.2 – Building Orientation and Design | Non-Residential Buildings

2. **Change in Materials.** Elevations should incorporate changes in material that define a building's base, middle, and top, as applicable, and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.
3. **Horizontal Lines.** New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include, but are not limited to: the base below a series of storefront windows, an awning or canopy line, a belt course between building stories, a cornice, or a parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.
4. **Ground Floor and Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awning, canopy, or similar division.
5. **Vertical Rhythms.** New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.

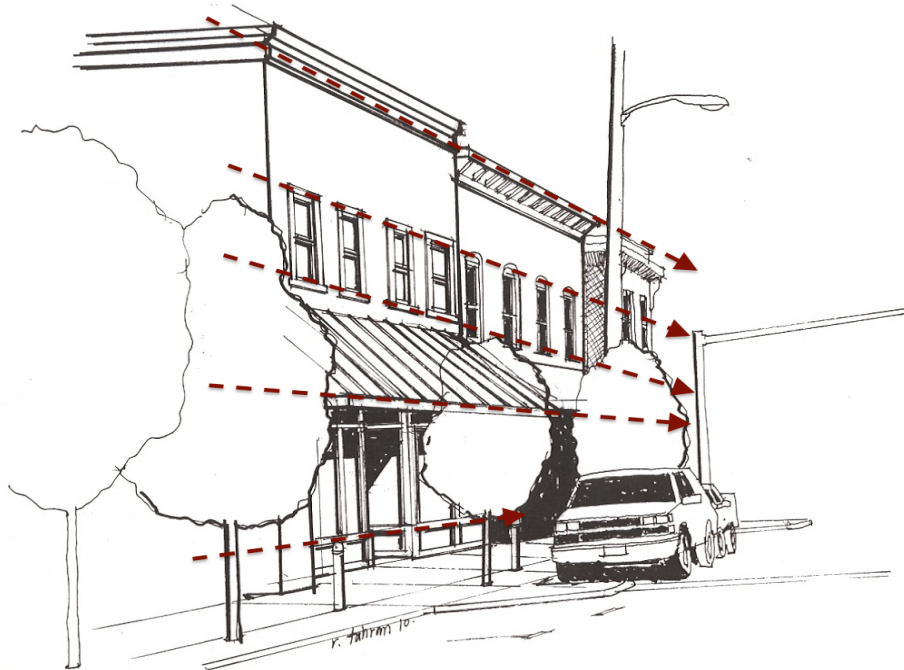


Articulation of Multi-Story Building; and Typical Pedestrian Shelter – Figure 17-3.2-10

17-3.2 – Building Orientation and Design | Non-Residential Buildings



Articulation of Single-Story Buildings; and Typical Pedestrian Shelters – Figure 17-3.2-11



Articulation of Horizontal Lines, Ground Floor and Upper Floor Division– Figure 17-3.2-12

17-3.2 – Building Orientation and Design | Non-Residential Buildings

- F. Pedestrian Shelters.** The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 17-4.2 and Chapter 17-4.7, respectively.
- 1. Minimum Pedestrian Shelter Coverage.** Permanent awnings, canopies, recesses, or similar pedestrian shelters shall be provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area; except that the Planning Official, through Site Design Review, may reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance. The Planning Official shall waive the above standards if the pedestrian shelter would extend into the right-of-way and the roadway authority does not allow encroachments in the right-of-way.
 - 2. Pedestrian Shelter Design.** Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.

G. Mechanical Equipment

- 1. Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Chapter 17-3.4. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
- 2. Rooftops.** Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the Planning Official may approve painting of mechanical units in lieu of screening; such painting may consist of colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
- 3. Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses.

17-3.2 – Building Orientation and Design | Non-Residential Buildings

- H. Civic Space.** Commercial development projects shall provide civic space pursuant to Section 17-3.2.050.
- I. Drive-Up and Drive-Through Facilities.** Drive-up and drive-through facilities shall comply with the requirements of Section 17-3.2.060.

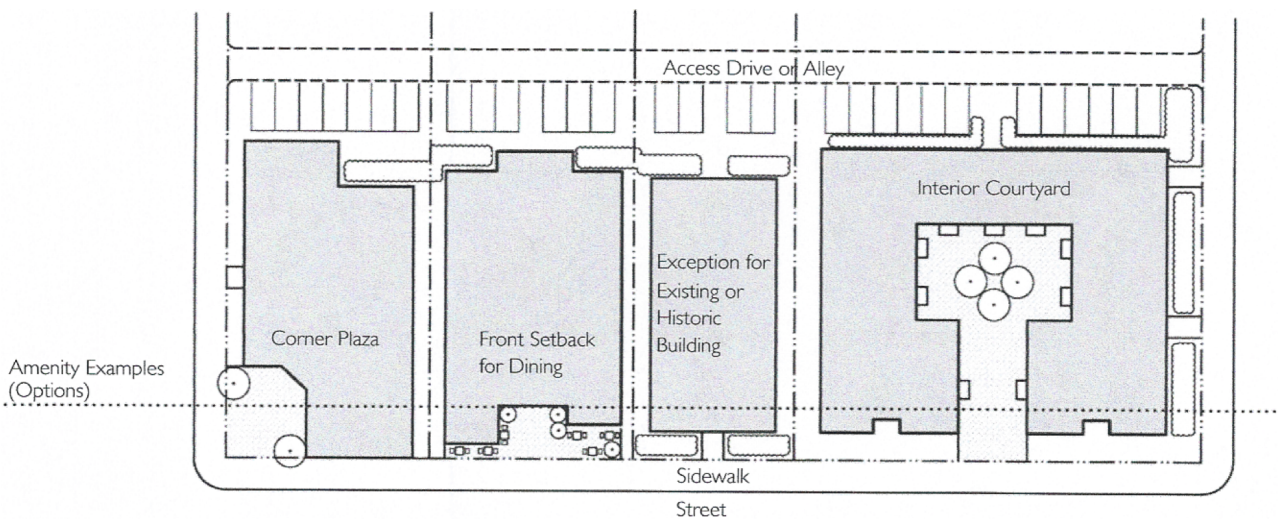
17-3.2 – Building Orientation and Design | Civic Space and Pedestrian Amenities

17-3.2.050 Civic Space and Pedestrian Amenities

- A. Purpose.** This section provides standards for civic spaces where such areas are required or provided voluntarily. Civic spaces allow for light and air circulation, visual relief, pedestrian resting areas, and opportunities for socialization in the most densely developed parts of the city. The code allows projects to meet minimum landscape area standards of Chapter 17-3.4 by providing civic space adjacent to street frontages or in courtyards or plazas between buildings, instead of with planted areas elsewhere on a lot as is typically done for residential developments.
- B. Applicability.** All new commercial and mixed use developments with more than 10,000 square feet of gross leasable floor area within the Central Commercial C-1 and General Commercial C-2 zones are required to meet the standards of this section.
- C. Standards.**
- I. Civic Space Standards.** Except as provided by subsections 17-3.2.050.C(3)-(4), below, at least three percent of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, pursuant to all of the following standards in subsections a-e, and as generally illustrated in Figure 17-3.2-12:
 - a. The highest priority locations for civic space improvements are those with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated.
 - b. Civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way. Access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns or texture).
 - c. Where public access to a civic space is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area, such as an outdoor eating area attached to a restaurant, in finding the project complies with the standard.
 - d. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, by extending the width of an existing sidewalk by four feet, a developer might provide space for an outdoor eating area; whereas a larger development at a street corner could meet the standard by creating a plaza adjacent to a building entrance.
 - e. Civic space improvements shall conform to Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting.

17-3.2 – Building Orientation and Design | Civic Space and Pedestrian Amenities

- 2. Pedestrian Improvements in Civic Spaces.** Except as provided by subsections 17-3.2.050.C(3)-(4), below, where this section requires the provision of civic space, such space shall be improved with pedestrian amenities, pursuant to the following standards in subsections a-e:
- Pedestrian amenities shall be provided in an amount equal to or greater than 0.5 percent of the estimated construction cost of the proposed building(s). A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Planning Official.
 - Pedestrian amenities include plaza surfaces (e.g., pavers, landscapes, etc.), sidewalk extensions (e.g., with outdoor cafe space), street furnishings (e.g., benches, public art, pedestrian-scale lighting, water fountains, trash receptacles, bus waiting shelters, shade structures, or others), way-finding signs, or similar amenities, as approved by the Planning Official.
 - Where a civic space adjoins a building entrance it should incorporate a permanent weather protection canopy, awning, pergola, or similar feature, consistent with Section 17-3.2.040.F.
 - The City may accept pedestrian amenities proposed within a public right-of-way (e.g., street corner or mid-block pedestrian access way) and grant the developer credit toward fulfilling the above improvement standard.
 - The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements.



Civic Spaces Figure 17-3.2-12

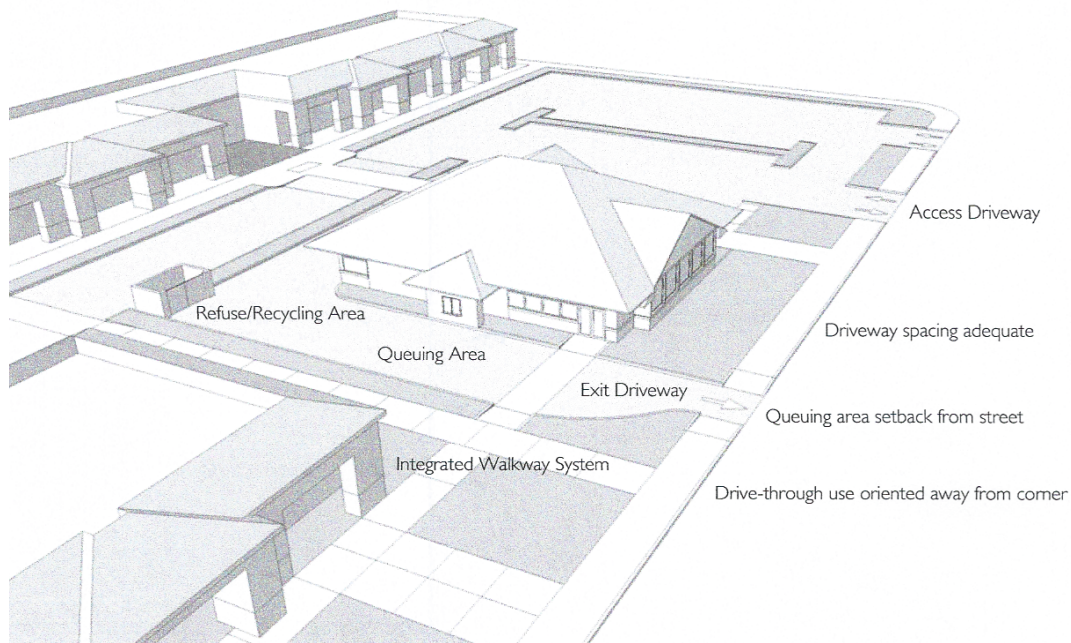
17-3.2 – Building Orientation and Design | Civic Space and Pedestrian Amenities

- 3. Exception for Minor Projects.** Building additions and remodels are not required to provide civic space where the estimated cost of the proposed building improvement is less than 50 percent of the existing assessed value of improvements on the subject site. Cost estimates are based on those used to estimate building permit fees, or other independent and credible source, subject to review and approval by the Planning Official. Assessed values shall be the market value of record at the Clackamas County Assessor's Office.
- 4. Exception for In Lieu Fee.** Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee, to be paid to the City of Molalla Parks Improvement Fund, which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the City Planning Official.

17-3.2 – Building Orientation and Design | Drive-up and Drive-through Uses/Facilities

17-3.2.060 Drive-up and Drive-through Uses and Facilities

- A. Purpose.** Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
- B. Standards.** Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards, as generally illustrated in Figure 17-3.2-13:
1. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.
 2. The drive-up or drive-through portion of the establishment or drive-through window shall not be oriented to street corner.
 3. The drive-up or drive-through portion of the establishment or drive-through window shall not be located within 20 feet of a street right-of-way.
 4. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.
 5. In the General Commercial C-2 district, no new drive-up or drive-through facility is allowed within 400 linear feet of another drive-up or drive-through facility, where the existing drive-up or drive-through facility lawfully existed as of the date of an application for a new drive-up or drive-through facility.



Drive-up and Drive-through Uses – Figure 17-3.2-13

17-3.2 – R-5 Historic District Design Standards

17-3.2.070 R-5 Historic District Design Standards

- A. Applicability.** The following design standards are required in the R-5 Historic Residential Zone and supplement the standards found elsewhere in this code. Where a standard in this section conflicts with another code provision, this section shall apply.
- B. Standards.** All new developments, including additions and remodels to existing structures, shall conform to the early 1900s style of development, as found in “A Field Guide to American Houses” by Virginia and Lee McAlester (Knopf Doubleday, Expanded Edition, 2015).
1. Landscape materials shall be of native species, or as approved by the Planning Official.
 2. Individual trees along walkways and along sidewalks in the internal portions of projects shall be planted in tree wells or planter boxes. These types of plantings must first be approved by the Planning Official.
 3. Open stormwater detention facilities shall be incorporated into project landscaping and open space where geographically feasible. These facilities shall be fenced, landscaped, and screened.
 4. Natural timber, brick, and/or stone shall be used on the portion of the building visible from the public right-of-way.
 5. New buildings, as well as additions and remodeling to existing buildings, shall conform to the existing pattern of design elements including:
 - a. Rhythm of solids and voids in front facades, building lines, materials, textures and colors;
 - b. Architectural details;
 - c. Roof shape; and
 - d. Porches.
 6. On housing, brick and/or stone shall be used from the top of the foundation to the first floor window. In cases where exposed half floors at ground level exist, that area shall be brick but shall count toward the minimum requirement.
 7. Natural timbers shall be used in at least one of the following ways:
 - a. As pillars for a porch;
 - b. Timbers wrapping on the corner fascia;
 - c. Cedar siding, unpainted (a protective wood preservative shall be used), as a cap on top of the brick fascia and shall be a minimum of 12 inches tall.
 8. All doors and windows shall be trimmed with timber fascia.
 9. Sidewalks may be increased beyond the width specified in the Public Works Standards and Transportation System Master Plan in order to provide outdoor seating.
 10. All single-family residences shall be setback a minimum of 15 feet.
 11. A brick look shall be incorporated into sidewalks. Stamped concrete shall be allowed.

17-3.2 – R-5 Historic District Design Standards

12. Light posts resembling the early 1900s light posts, as approved by the City, shall be used within the development.
13. Alleys are intended for pedestrian use. Alleys shall not have sidewalks or pedestrian access ways. All garage access shall occur off of alleys on new development or remodels.
14. Where alleys are available, all garages shall be built off the alleys.
15. Porches/Covered Entries.
 - a. All residential development shall have a front porch. In the case of single-family residences, porches shall meet the following standards:
 - i. A minimum of six feet on each side of the entry door;
 - ii. A minimum of six feet deep; and
 - iii. Steps shall not encroach any closer than three feet to the sidewalk.

3.3 – Access and Circulation | Purpose

Chapter 17-3.3 - Access and Circulation

Sections:

17-3.3.010	Purpose
17-3.3.020	Applicability
17-3.3.030	Vehicular Access and Circulation
17-3.3.040	Pedestrian Access and Circulation

17-3.3.010 Purpose

Chapter 17-3.3 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

17-3.3.020 Applicability

Chapter 17-3.3 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 17-3.3 applies to all connections to a street or highway, and to driveways and walkways. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.3, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances. For street improvement requirements, refer to Section 17-3.6.020.

17-3.3 – Access and Circulation | Vehicular Access and Circulation

17-3.3.030 Vehicular Access and Circulation

- A. Purpose and Intent.** Section 17-3.3.030 implements the street access policies of the City of Molalla Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. “Safety,” for the purposes of this chapter, extends to all modes of transportation.
- B. Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority
- C. Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 17-3.6.020, to determine compliance with this code.
- D. Approach and Driveway Development Standards.** Approaches and driveways shall conform to all of the following development standards:
1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
 2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
 3. Driveways shall be paved and meet applicable construction standards. Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Public Works Design Standards.
 4. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
 5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the City Engineer may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
 6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.
 7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
 8. Except where the City Engineer and roadway authority, as applicable, permit an open access with perpendicular or angled parking, driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

17-3.3 – Access and Circulation | Vehicular Access and Circulation

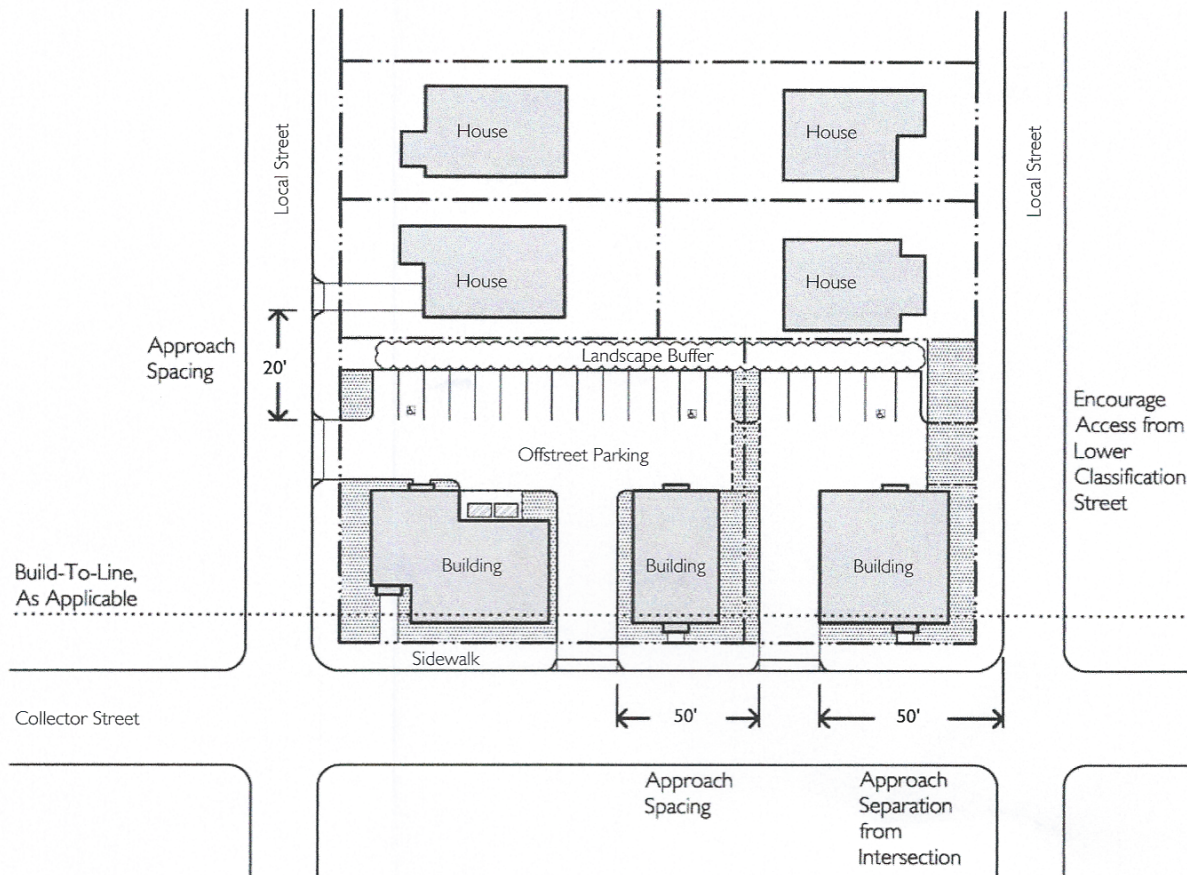
9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
11. As it deems necessary for pedestrian safety, the City Engineer, in consultation with the roadway authority, as applicable, may require that traffic-calming features, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.
12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
16. The City Engineer may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Engineer may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
19. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable Public Works design standards.
20. Except as otherwise required by the applicable roadway authority or waived by the City Engineer temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

17-3.3 – Access and Circulation | Vehicular Access and Circulation

21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 17-3.6.050.

E. Approach Separation from Street Intersections. Except as provided by Section 17-3.3.030.H, minimum distances shall be maintained between approaches and street intersections consistent with the current version of the Public Works Design Standards and Transportation System Plan.

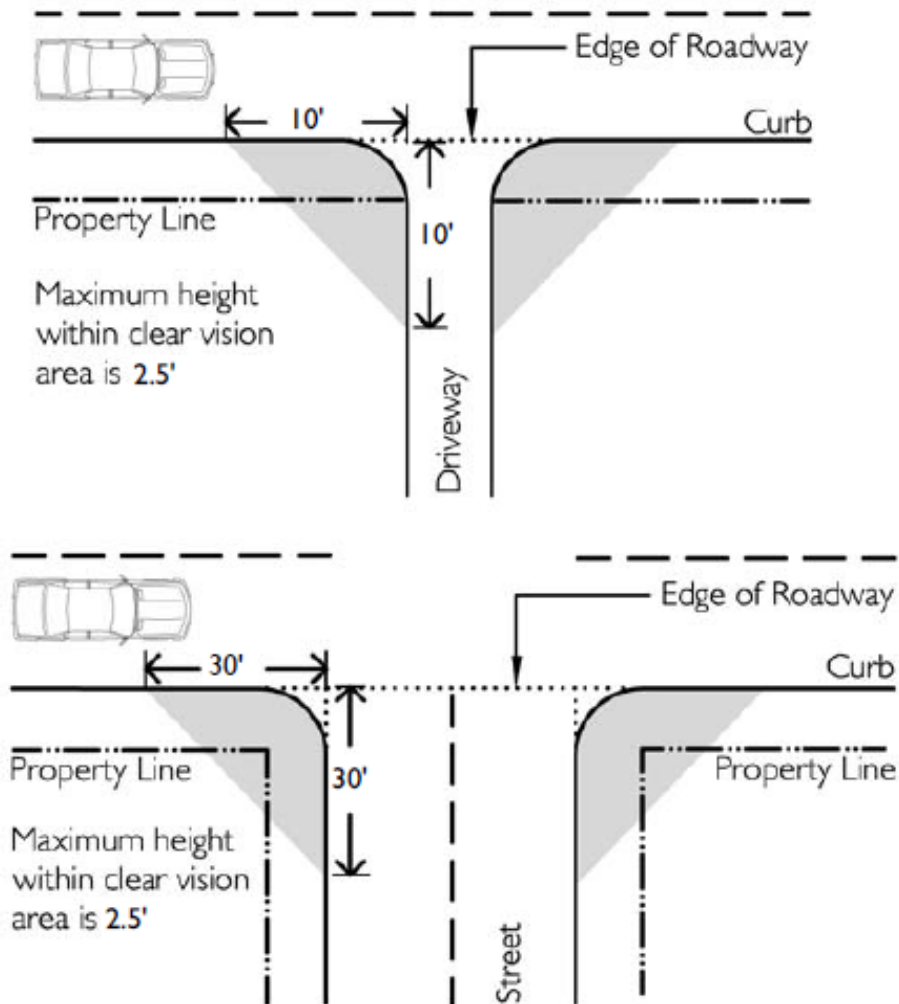
F. Approach Spacing. Except as provided by Section 17-3.3.030.H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches consistent with the current version of the Public Works Design Standards and Transportation System Plan.



Approach Spacing Figure 17-3.3-1

17-3.3 – Access and Circulation | Vehicular Access and Circulation

G. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than 2.5 feet in height shall be placed in “vision clearance areas” at street intersections.. The minimum vision clearance area may be modified by the Planning Official through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.



Vision Clearance Figure 17-3.3-2

H. Exceptions and Adjustments. The City Engineer may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The Planning Official through a Type II procedure may also approve a deviation to the spacing standards on City

17-3.3 – Access and Circulation | Vehicular Access and Circulation

streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.

- I. **Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

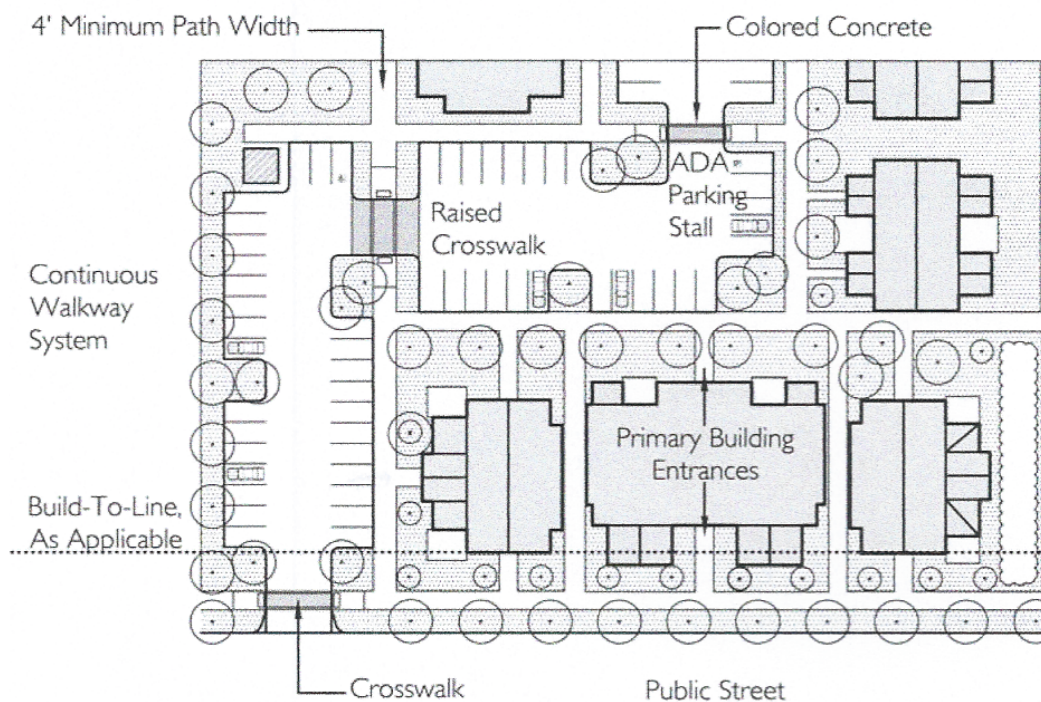
17-3.3 – Access and Circulation | Pedestrian Access and Circulation

17-3.3.040 Pedestrian Access and Circulation

- A. Purpose and Intent.** Section 17-3.3.040 implements the pedestrian access and connectivity policies of City of Molalla Transportation System. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation as generally illustrated in Figure 17-3.3-3:
- 1. Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - 2. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. The walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Planning Official may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 17-3.2 and, where required, Americans with Disabilities Act (ADA) requirements.
 - 3. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the Planning Official may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 - 4. Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding 24 feet in length.
 - 5. Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant to Chapter 17-4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the current version of the Public Works Design Standards and Transportation System Plan.

17-3.3 – Access and Circulation | Pedestrian Access and Circulation

6. **Walkway Construction (Private).** Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than six feet in width in commercial and mixed use developments and where access ways are required for subdivisions under Article 17-4.
7. **Multi-Use Pathways.** Multi-use pathways, where approved, shall be a minimum width and constructed of materials consistent with the current version of the Public Works Design Standards and Transportation System Plan.



Access and Circulation Figure 17-3.3-3

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting | Purpose

Chapter 17-3.4 - Landscaping, Fences and Walls, Outdoor Lighting

Sections:

17-3.4.010	Purpose
17-3.4.020	Applicability
17-3.4.030	Landscaping and Screening
17-3.4.040	Fences and Walls
17-3.4.050	Outdoor Lighting

17-3.4.010 Purpose

Chapter 17-3.4 contains standards for landscaping and screening, fences, and accessory walls, and outdoor lighting. The regulations are intended to protect public health, safety, and welfare by reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.

17-3.4.020 Applicability

- A.** Section 17-3.4.030 establishes design standards for landscaping and screening. Projects requiring Site Design Review or Land Division approval shall meet the landscape standards of the applicable zone, including the standards in Tables 17-2.2.040.D and 17-2.2.040.E and any Special Use requirements under Chapter 17-2.3, and the requirements of Section 17-3.4.030. Property owners are required to maintain landscaping and screening pursuant to subsection 17-3.4.030.G.
- B.** Section 17-3.4.040 establishes design standards for when a fence, or a wall not attached to a building, is to be erected, extended, or otherwise altered. It also applies to situations where this code requires screening or buffering (e.g., outdoor or unenclosed storage uses). The standards of Section 17-3.4.040 supplement the development standards in Table 17-2.2.030 and 040 and any applicable Special Use requirements under Chapter 17-2.3.
- C.** Section 17-3.4.050, Outdoor Lighting, applies to all new outdoor lighting, i.e., lighting that is installed after *[effective date of this code]*.
- D.** The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.4, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting

17-3.4.030 Landscaping and Screening

- A. General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.
- B. Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Table 17-2.2.040.D and Table 17-2.2.040.E. The Planning Official, consistent with the purposes in Section 17-3.4.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.
- C. Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:
1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.
 2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.
 3. Trees shall be not less than two-inch caliper for street trees and 1.5-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.
 4. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
 5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
 6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75 percent at maturity.
 7. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 35 percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
 8. Where storm water retention or detention, or water quality treatment facilities are proposed, they shall meet the requirements of the current version of the Public Works Design Standards.
 9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting

10. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
11. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
12. Deciduous trees should be used where summer shade and winter sunlight is desirable.
13. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
14. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
15. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
16. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
17. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

D. Central Commercial C-1 District Streetscape Standard. Developers of projects within the Central Commercial C-1 zoning district can meet the landscape area requirement of subsection 17-3.4.030.B, in part, by installing street trees in front of their projects. The Planning Official shall grant credit toward the landscape area requirement using a ratio of 1:1, where one square foot of planted area (e.g., tree well or planter surface area) receives one square foot of credit. The Planning Official may grant additional landscape area credit by the same ratio where the developer widens the sidewalk or creates a plaza or other civic space pursuant to Section 17-3.2.050.

E. Parking Lot Landscaping. All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of shade trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide a partial canopy cover over the parking lot within five years. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.
2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting

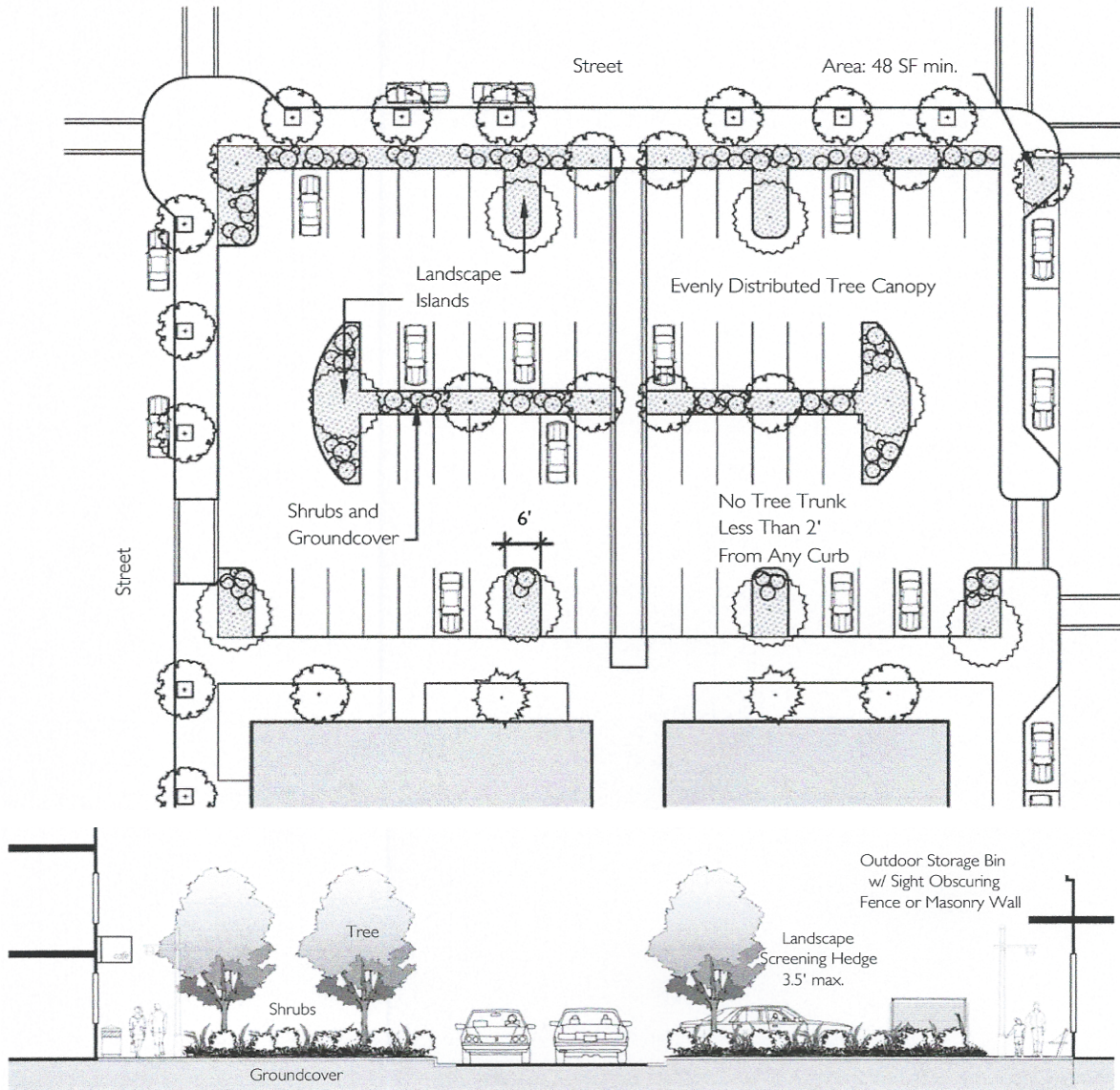
3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.
4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

F. Screening Requirements. Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the Planning Official. Landscaping shall be provided pursuant to the standards of subsections 1-3, below. (See also, Figure 17-3.4-4.)

1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 17-3.4.040 for related fence and wall standards.
2. **Parking Lots.** The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.
3. **Other Uses Requiring Screening.** The Planning Official may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, Special Uses pursuant to Chapter 17-2.3, flag lots, and as mitigation where an applicant has requested an adjustment pursuant to Chapter 17-4.7.

G. Maintenance. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting



Screening Requirements Figure 17-3.4-4

17-3.4.040 Fences and Walls

- A. Purpose.** This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.
- B. Applicability.** Section 17-3.4.040 applies to all fences, and to walls that are not part of a building, including modifications to existing fences and walls.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting

C. Height.

1. **Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall.
 - a. Within Front or Street-Facing Side Yard Setback: four feet; except the following additional height is allowed:
 - (1) A fence may be constructed to a maximum height of six feet where it is located on a street-facing side yard.
 - (2) A fence may be constructed to a maximum height of six feet where the fence is of open chain link or other “see-through” composition that allows 90 percent light transmission.
 - (3) One incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within a front or street-facing yard provided it does not encroach into a required vision clearance area.
 - b. Within an Interior Side or Rear Yard Setback: six feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall.
 - a. Within Front or Street-Facing Side Yard Setback: four feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
 - (1) Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
 - b. Within an Interior Side or Rear Yard Setback: eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 17-3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

- D. **Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in the M-2 Heavy Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting

- E. Permitting.** A Type I approval is required to install a fence of six feet or less in height, or a wall that is four feet or less in height. All other walls and fences require review and approval by the Planning Official through a Type II procedure. The Planning Official may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes. Walls greater than four feet in height shall be designed by a Professional Engineer licensed in the State of Oregon.
- F. Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

17-3.4.050 Outdoor Lighting

- A. Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.
- B. Applicability.** All outdoor lighting shall comply with the standards of this section.
- C. Standards.**
1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet; pedestal- or bollard-style lighting shall be used to illuminate walkways. Flag poles, utility poles, and streetlights are exempt from this requirement.
 2. Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of 8 feet shall be maintained.
 3. Outdoor lighting levels shall be subject to review and approval through Site Design Review. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.
 4. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.
 5. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.
 6. Walkway lighting in private areas shall have a minimum average illumination of not less than 0.2 foot-candles. Lighting along public walkways shall meet the current version of the Public Works Design Standards and AASHTO lighting requirements.
 7. Active building entrances shall have a minimum average illumination of not less than two foot-candles.
 8. Surfaces of signs shall have an illumination level of not more than two foot-candles.
 9. Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than 0.2 foot-candles, average illumination of approximately 0.8 foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than 20:1.

17-3.4 – Landscaping, Fences and Walls, Outdoor Lighting | Outdoor Lighting

- 10.** Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:
 - (a) Poles should be no greater in height than four times the distance to the property line.
 - (b) Maximum lumen levels should be based on fixture height.
 - (c) Private illumination shall not be used to light adjoining public right of way.
- 11.** Where a light standard is placed within a walkway, an unobstructed pedestrian through zone not less than 48 inches wide shall be maintained.
- 12.** Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

D. Permitting. A Type I approval is required to install or replace outdoor lighting. The Planning Official may require lighting as a condition of approval for some projects, pursuant to other Code requirements.

E. Maintenance. For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

17-3.5 – Parking and Loading

Chapter 17-3.5 - Parking and Loading

Sections:

- 17-3.5.010 Purpose
- 17-3.5.020 Applicability General Regulations
- 17-3.5.030 Automobile Parking
- 17-3.5.040 Bicycle Parking
- 17-3.5.050 Loading Areas

17-3.5.010 Purpose

Chapter 17-3.5 contains requirements for automobile and bicycle parking. The code is intended to be flexible in requiring adequate parking, rather than a minimum number of parking spaces, for each use. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. The code also encourages non-motorized transportation by requiring bicycle parking for some uses.

17-3.5.020 Applicability and General Regulations

- A. Where the Regulations Apply.** The regulations of this chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.
- B. Occupancy.** All required parking areas must be developed in accordance with the requirements of this code prior to occupancy of any structure on the subject site. Where landscaping, screening, or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the Planning Official prior to occupancy.
- C. Calculations of Amounts of Required and Allowed Parking.**
1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 17-3.5.030.D below.
 3. When more than 50 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

3.5 – Parking and Loading | Purpose and Applicability

4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 17-2.2.030, and is permitted as a Temporary Use under Section 17-2.3.160.

- D. Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 17-3.5.030.D.
- E. Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within 800 feet of the site.
- F. Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting and Chapter 17-3.6 Public Facilities.

17-3.5 – Parking and Loading | Automobile Parking

17-3.5.030 Automobile Parking

A. Minimum Number of Off-Street Automobile Parking Spaces. Except as provided by subsection 17-3.5.030.A, or as required for Americans with Disabilities Act compliance under subsection 17-3.5.030.G, off-street parking shall be provided pursuant to one of the following three standards:

1. The standards in Table 17-3.5.030.A;
2. A standard from Table 17-3.5.030.A for a use that the Planning Official determines is similar to the proposed use; or
3. Subsection 17-3.5.030.B Exceptions, which includes a Parking Demand Analysis option.

Table 17-3.5.030.A – Automobile Parking Spaces by Use	
Use Categories (Chapter 17-5 contains examples of uses and definitions.)	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Residential Categories	
Household Living	
Single-Family Dwelling, including manufactured homes on lots	one space per dwelling
Duplex	two spaces per duplex (one space per dwelling unit)
Accessory Dwelling (second dwelling on a single-family lot)	one space total for primary dwelling and accessory dwelling
Multifamily	one space per dwelling unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per four bedrooms

17-3.5 – Parking and Loading | Automobile Parking

Table 17-3.5.030.A – Automobile Parking Spaces by Use	
Use Categories (Chapter 17-5 contains examples of uses and definitions.)	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Commercial Categories	
Commercial Outdoor Recreation	per Conditional Use Permit review (Chapter 17-4.4)
Bed and Breakfast Inn	one space per use, plus one space for each bedroom offered as lodging
Educational Services, not a school (e.g., tutoring or similar services)	one space per 300 sq. ft. floor area
Entertainment, Major Event	per Conditional Use Permit review (Chapter 17-4.4)
Hotels, Motels, and similar uses	0.75 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Mortuary or Funeral Home	one space per 300 sq. ft. floor area
Offices	General Office: one space per 500 sq. ft. floor area Medical or Dental Office: one space per 500 sq. ft. floor area
Outdoor Recreation, Commercial	per Conditional Use Permit review (Chapter 17-4.4)
Surface Parking Lot, when not accessory to a permitted use	per Conditional Use Permit review (Chapter 17-4.4)
Quick Vehicle Servicing or Vehicle Repair	two spaces, excluding vehicle service or queuing area, or per Conditional Use Permit review (Chapter 17-4.4)
Retail Sales and Commercial Service	<u>Bank</u> : one space per 300 sq. ft. floor area
	<u>Retail</u> : one space per 400 sq. ft. floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)
	<u>Restaurants and Bars</u> : one space per 200 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)</u> : one space per 500 sq. ft.
	<u>Theaters and Cinemas</u> : one space per 6 seats
Self-Service Storage	two spaces, plus adequate space for loading and unloading
Industrial Categories	
Industrial Service	one space per 1,000 sq. ft. of floor area
Manufacturing and Production	one space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 17-4.4)
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 17-4.4)
Waste-Related	per Conditional Use Permit review (Chapter 17-4.4)
Wholesale Sales, e.g., Building Materials, Heavy Equipment, Agricultural Supplies, etc.	one space per 1,000 sq. ft.

17-3.5 – Parking and Loading | Applicability and General Regulations

Table 17-3.5.030.A – Automobile Parking Spaces by Use	
Use Categories (Chapter 17-5 contains examples of uses and definitions.)	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Institutional Categories	
Basic Utilities	Parking based on applicant's projected parking demand, subject to City approval
Community Service, including Government Offices and Services	Parking based on applicant's projected parking demand, subject to City approval, except as specifically required elsewhere in this table for individual uses (See public assembly, office, retail, housing, etc.)
Daycare	Family Daycare: one space, plus required parking for dwelling Daycare Center: one space per 400 sq. ft. of floor area
Medical Center or Hospital	one space per 500 sq. ft. floor area
Parks and Open Space	Parking based on projected parking demand for planned uses
Public Assembly	one space per 75 sq. ft. of public assembly area; or as required by Conditional Use Permit (Chapter 17-4.4)
Religious Institutions and Houses of Worship	one space per 75 sq. ft. of main assembly area; or as required by Conditional Use Permit (Chapter 17-4.4)
Schools	Pre-School through Middle-School: one space per classroom
	High Schools: Parking based on applicant's projected parking demand, subject to City approval. A Transportation Demand Management Plan is also required.
	Colleges: one space per 400 sq. ft. of floor area exclusive of dormitories, plus one space per two dorm rooms. A Transportation Demand Management Plan is also required.
Other Categories	
Accessory Uses	Parking standards for accessory shall be based on applicant's projected parking demand, subject to City approval.
Agriculture	None, except as required for accessory uses
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit (Chapter 17-4.4)
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the Planning Official may reduce or waive certain development and design standards for temporary uses.
Transportation Facilities (operation, maintenance, preservation, and construction)	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas

17-3.5 – Parking and Loading | Automobile Parking

B. Exceptions and Reductions to Off-Street Parking.

1. There is no minimum number of required automobile parking spaces for uses within the Central Commercial C-I zone;
2. The applicant may propose a parking standard that is different than the standard under subsections 17-3.5.030.A(1) and (2), above, for review and action by the Planning Official through a Type I or II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. This parking analysis applies to a request in the reduction or an increase in parking ratios.
3. The Planning Official, through a Type II procedure, may reduce the off-street parking standards of Table 17-3.5.030.A for sites with one or more of the following features:
 - a. Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20 percent reduction to the standard number of automobile parking spaces.
 - b. Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 10 percent reduction to the standard number of automobile parking spaces.
 - c. Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces.
 - d. Site has more than the minimum number of required bicycle parking spaces: Allow up to a 10 percent reduction to the number of automobile parking spaces.
 - e. Site has off-street parking or other public parking in the vicinity of the site.
4. The number of required off-street parking spaces may be reduced through the provision of shared parking, pursuant to Section 17-3.5.030.D.
5. The Planning Official through a Type I procedure may reduce the off-street parking standards of Table 3.5.030.A by one parking space for every two on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of Section 17-3.5.030.E.

C. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces for the use pursuant to Table 17-3.5.030, times a factor of:

1. 1.2 spaces for uses fronting a street with adjacent on-street parking spaces; or
2. 1.5 spaces, for uses fronting no street with adjacent on-street parking; or
3. A factor based on applicant's projected parking demand, subject to City approval.

17-3.5 – Parking and Loading | Applicability and General Regulations

- D. Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type I Review.
- E. Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17-3.5.030.E and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, sidewalks, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 17-3.6.050.

Table 17-3.5.030.E - Parking Area Minimum Dimensions*

PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

*See Figure 17-3.5-18. See also, Chapter 17-3.2 Building Orientation and Design for parking location requirements for some types of development; Chapter 17-3.3 Access and Circulation for driveway standards; and Chapter 17-3.4 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

- F. Adjustments to Parking Area Dimensions.** The dimensions in subsection 17-3.5.030.E are minimum standards. The Planning Official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area. For example, the Planning Official may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

17-3.5 – Parking and Loading | Automobile Parking

- G. Americans with Disabilities Act (ADA).** Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.
- H. Electric Charging Stations.** Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements.

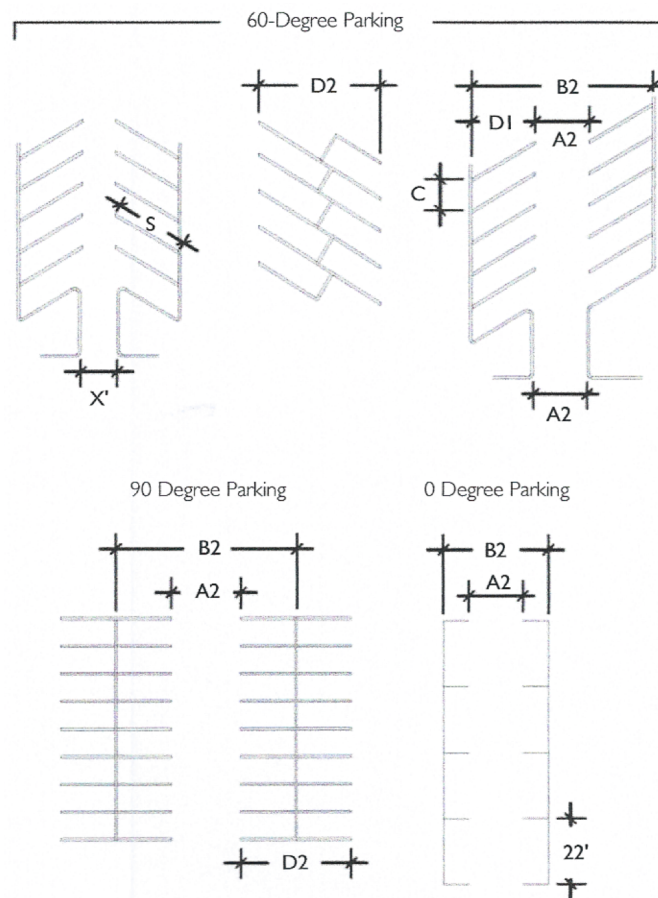


Figure 17-3.5-1

17-3.5 – Parking and Loading | Bicycle Parking

17-3.5.040 Bicycle Parking

A. Standards. Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 17-3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to subsection 17-3.5.030.B, the Planning Official may require bicycle parking spaces in addition to those in Table 17-3.5.040.A.

Table 17-3.5.040.A Minimum Required Bicycle Parking Spaces	
Use	Minimum Number of Spaces
Multifamily Residential (not required for parcels with fewer than 4 dwelling units)	two bike spaces per four dwelling units
Commercial	two bike spaces per primary use or one per five vehicle spaces, whichever is greater
Industrial	two bike spaces per primary use or one per 10 vehicle spaces, whichever is greater
Community Service	two bike spaces
Parks (active recreation areas only)	four bike spaces
Schools (all types)	two bike spaces per classroom
Institutional Uses and Places of Worship	two bike spaces per primary use or one per 10 vehicle spaces, whichever is greater
Other Uses	two bike spaces per primary use or one per 10 vehicle spaces, whichever is greater

B. Design. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle, consistent with the Public Works Design Standards.

C. Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

D. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 17-3.3.030.G.

17-3.5 – Parking and Loading | Bicycle Parking

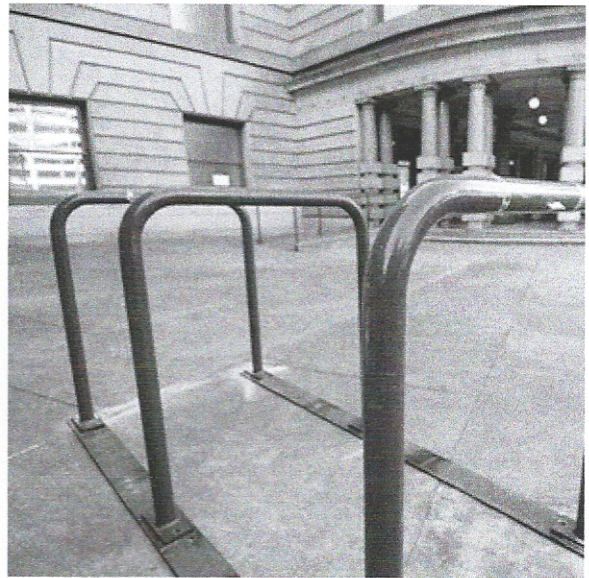
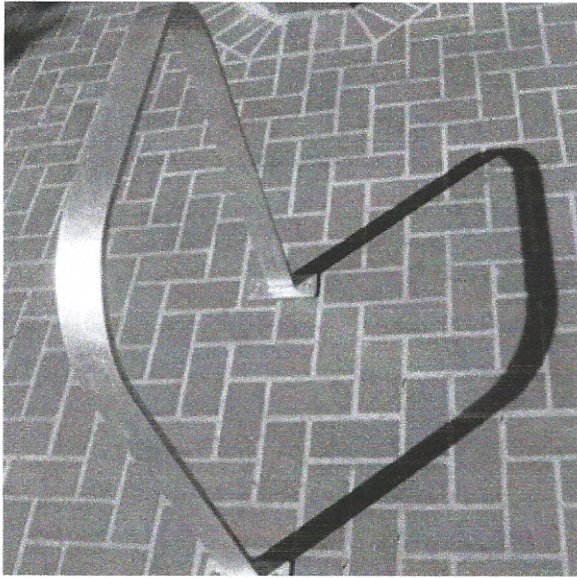


Figure 17-3.5-19

17-3.5 – Parking and Loading | Loading Areas

17-3.5.050 Loading Areas

- A. Purpose.** The purpose of Section 17-3.5.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.
- B. Applicability.** Section 17-3.5.050 applies to uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a 40-foot or longer wheelbase, at a frequency of one or more vehicles per week. The Planning Official shall determine through a Type I review the number, size, and location of required loading areas, if any.
- C. Standard.** Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The Planning Official may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.
- D. Placement, Setbacks, and Landscaping.** Loading areas shall conform to the standards of Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; and Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
- E. Exceptions and Adjustments.** The Planning Official, through a Type I Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority

17-3.6 – Public Facilities | Purpose and Applicability

Chapter 17-3.6 - Public Facilities

Sections:

17-3.6.010	Purpose and Applicability
17-3.6.020	Transportation Standards
17-3.6.030	Public Use Areas
17-3.6.040	Sanitary Sewer and Water Service Improvements
17-3.6.050	Storm Drainage and Surface Water Management Facilities
17-3.6.060	Utilities
17-3.6.070	Easements
17-3.6.080	Construction Plan Approval
17-3.6.090	Facility Installation
17-3.6.100	Performance Guarantee and Warranty

17-3.6.010 Purpose and Applicability

- A. Purpose.** The standards of Chapter 17-3.6 implement the public facility policies of the City of Molalla Comprehensive Plan and adopted City plans.
- B. Applicability.** Chapter 17-3.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the City Engineer shall interpret the Code pursuant to Chapter 17-1.5.
- C. Public Works Design Standards.** All public facility improvements, including, but not limited to, sanitary sewer, water, transportation, surface water and storm drainage and parks projects, whether required as a condition of development or provided voluntarily, shall conform to the City of Molalla Public Works Design Standards. Where a conflict occurs between this Code and the Public Works Design Standards, the provisions of the Public Works Design Standards shall govern.
- D. Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provisions of this Code and the Public Works Design Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

17-3.6 – Public Facilities | Transportation Standards

17-3.6.020 Transportation Standards

A. General Requirements.

1. Except as provided by subsection 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 17-3.6 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 17-3.6.020, and shall be constructed consistent with the City of Molalla Public Works Design Standards.
3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, subject to review and approval of the City Engineer.
4. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
 - a. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - (1) A change in zoning or a plan amendment designation;
 - (2) Operational or safety concerns documented in writing by a road authority;
 - (3) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - (4) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - (5) An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
 - (6) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - (7) A change in internal traffic patterns that may cause safety concerns; or
 - (8) A TIA required by ODOT pursuant to OAR 734-051.

17-3.6 – Public Facilities | Transportation Standards

- b. Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.
5. The City Engineer may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Where the City Engineer agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.
- a. The standard improvement conflicts with an adopted capital improvement plan.
 - b. The standard improvement would create a safety hazard.
 - c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
 - d. The improvement under consideration is part of an approved partition and the proposed partition does not create any new street.

B. Street Location, Alignment, Extension, and Grades.

- 1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection 17-3.6.020.D Transportation Connectivity and Future Street Plans.
- 2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
- 3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.
- 4. New streets and street extensions exceeding a grade of 10 percent over a distance more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the City Engineer may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.
- 5. Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.
- 6. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.

17-3.6 – Public Facilities | Transportation Standards

7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

C. Rights-of-Way and Street Section Widths.

1. Street rights-of-way and section widths shall comply with the current version of the Public Works Design Standards and Transportation System Plan. The standards are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties.
2. All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a planter strip is provided it shall consist of a minimum five foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City Engineer approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.
3. Where a range of street width or improvement options is indicated, the City Engineer shall determine requirements based on the advice of a qualified professional and all of the following factors:
 - a. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
 - b. Existing and projected street operations relative to applicable standards;
 - c. Safety of motorists, pedestrians, bicyclists, and South Clackamas Transit District (SCTD) users, including consideration of accident history;
 - d. Convenience and comfort for pedestrians, bicyclists, and SCTD users;
 - e. Provision of on-street parking;
 - f. Placement of utilities;
 - g. Street lighting;
 - h. Slope stability, erosion control, and minimizing cuts and fills;

17-3.6 – Public Facilities | Transportation Standards

- i. Surface water management and storm drainage requirements;
- j. Emergency vehicles or apparatus and emergency access, including evacuation needs;
- k. Transitions between varying street widths (i.e., existing streets and new streets); and
- l. Other factors related to public health, safety, and welfare.

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

1. **Intersections.** Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersections shall meet the current requirements of the Public Works Design Standards and Transportation System Plan.
2. **Access Ways.** The Planning Commission, in approving a land use application with conditions shall require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects or may in the future connect, the end of the street to another street, a park, or a public access way, except where the City Engineer and City Planner determine the access way is not feasible. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum eight foot-wide concrete surface or other all-weather surface approved by the City Engineer. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.
3. **Connectivity to Abutting Lands.** The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
4. **Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the current version of the Public Works Design Standards and Transportation System Plan. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions; where practicable, a pedestrian access way connection shall be provided pursuant to Chapter 17-3.3.
5. **Cul-de-sac Streets.** A cul-de-sac street shall only be used where the City Engineer determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, cul-de-sac length, turn-around type, and pedestrian access to adjoining properties shall meet the requirements of the current version of the Public Works Design Standards and Transportation System Plan and Section 17-3.6.020D.2, above.
6. **Future Street Plan.** Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and

17-3.6 – Public Facilities | Transportation Standards

proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is binding when part of a multi-phased master planned development. The plan must demonstrate, pursuant to City standards, that the proposed development does not preclude future street connections to adjacent development land.

- 7. Private Streets and Gated Drives.** Private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.
- E. Engineering Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the current version of the Public Works Design Standards and Transportation System Plan. Where a conflict occurs between this Code and the Public Works Design Standards, the provisions of the Design Standards shall govern.
- F. Fire Code Standards.** Where Fire Code standards conflict with City standards, the City shall consult with the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.
- G. Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the City Engineer may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, pursuant to the standards in the Public Works Design Standards and Transportation System Plan.
- H. Traffic Calming.** The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
- I. Sidewalks, Planter Strips, and Bicycle Lanes.** Except where the City Engineer grants a deferral of public improvements, pursuant to Chapter 17-4.2 or Chapter 17-4.3, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- J. Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 300 feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 17-4. Private crossing improvements are subject to review and licensing by the rail service provider.

17-3.6 – Public Facilities | Transportation Standards

- K. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Molalla or vicinity. Street names shall be submitted to the City for review and approval in consultation with Clackamas County and emergency services.
- L. Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- M. Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- N. Streetlight Standards.** Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, be directed downward, and full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.
- O. Mail Boxes.** Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.
- P. Street Cross-Sections.** The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway.

17-3.6 – Public Facilities | Public Use Areas

17-3.6.030 Public Use Areas

A. Dedication of Public Use Areas.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.
2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

B. System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward any required system development charge for parks.

17-3.6 – Public Facilities | Sanitary Sewer and Water Service Improvements

17-3.6.040 Sanitary Sewer and Water Service Improvements.

- A. Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the City Engineer where alternate alignment(s) are provided.
- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
- C. Over-Sizing.** The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.
- D. Inadequate Facilities.** Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City Engineer may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

17-3.6 – Public Facilities | Storm Drainage and Surface Water Management

17-3.6.050 Storm Drainage and Surface Water Management Facilities

- A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water runoff have been made in conformance with the requirements of the current version of the Public Works Design Standards and Stormwater Master Plan.
- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- C. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.
- E. Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, the City may require a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

17-3.6.060 Utilities

The following standards apply to new development where extension of electric power, gas, or communication lines is required:

- A. General Provision.** The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. Underground Utilities.**
- I. General Requirement.** The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Engineer determines that

17-3.6 – Public Facilities | Easements, Construction, Guarantees

placing utilities underground would adversely impact adjacent land uses. The Planning Official may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.

- 2. Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic, per Chapter 17-3.3 Access and Circulation.
 - b. The City Engineer reserves the right to approve the location of all surface-mounted facilities.
 - c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Exception to Undergrounding Requirement. The City Engineer may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

17-3.6.070 Easements

A. Provision. The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

17-3.6 – Public Facilities | Easements, Construction, Guarantees

- B. Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Molalla Public Works Design Standards.
- C. Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter 17-4.2 Site Design Review, and Chapter 17-4.3 Land Divisions and Property Line Adjustments.

17-3.6.080 Construction Plan Approval

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall commence without plans having been approved by the City of Molalla Public Works Department and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

17-3.6.090 Facility Installation

- A. Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards.** The City of Molalla has adopted Public Works Design Standards for public improvements and private utility installation within the public right-of-way.
- C. Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption.** If work is discontinued for more than six months, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.
- E. City Inspection.** Improvements shall be constructed under the inspection of the City Engineer. The City Engineer may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 17-4.5 Modifications to Approved Plans and Conditions of Approval. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced at the developer or subdivider's expense prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans.** In accordance with the current version of the Public Works Design Standards, a registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials meet current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior

17-3.6 – Public Facilities | Easements, Construction, Guarantees

to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two sets of "as-built" plans, one paper set and one electronic set for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 17-3.6.100.

17-3.6.100 Performance Guarantee and Warranty

- A. Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that all of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a performance and payment bond in accordance with the current version of the Public Works Design Standards.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance shall not be less than 150 percent of the estimated improvement costs.
- C. Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement.** A written agreement between the City and applicant shall be signed recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
1. The period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 3. The required improvement fees and deposits.
- E. When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- F. Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.
- G. Warranty Bond.** A warranty bond good for two years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 120 percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

Article 17-4 – Application Review Procedures and Approval Criteria

Chapters:

- 17-4.1 General Review Procedures and Zoning Checklist
- 17-4.2 Site Design Review
- 17-4.3 Land Divisions and Property Line Adjustments
- 17-4.4 Conditional Use Permits
- 17-4.5 Modifications to Approved Plans
- 17-4.6 Amendments to the Zoning Map or Code
- 17-4.7 Adjustments and Variances
- 17-4.8 Master Planned Developments

17-4.1 – General Review Procedures | Purpose and Applicability

Chapter 17-4.1 – General Review Procedures

Sections:

17-4.1.010	Purpose and Applicability
17-4.1.020	Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
17-4.1.030	Type II Procedure (Administrative Review)
17-4.1.040	Type III Procedure (Quasi-Judicial Review - Public Hearing)
17-4.1.050	Type IV Procedure (Legislative Review)
17-4.1.060	Time Limit, Consolidated Review, and Planning Official's Duties

17-4.1.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 17-4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit and approval procedures as described in subsections 1-4 below. Table 17-4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).
- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
 - 2. Type II Procedure (Administrative or Staff Review with Notice).** Type II decisions are made by the Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
 - 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.
 - 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation, revision, or large-scale implementation of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

17-4.1 – General Review Procedures | Purpose and Applicability

Table 17-4.1.010 – Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 17-4.1.020.
Access to a Street	Type I	Chapter 17-3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 17-4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 17-1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 17-4.6
Comprehensive Plan Amendment	Type IV	Chapter 17-4.6
Conditional Use Permit	Type III	Chapter 17-4.4
Home Occupation	No permit, except when required by Chapter 17-4.7.	
Legal Lot Determination	Type I	Chapter 17-1.3
Master Planned Development Concept Plan	Type III	Chapter 17-4.8
Detailed Plan	Type I	Chapter 17-4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 17-4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 17-1.4
Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17-4.3
Site Design Review	Type II or III	Chapter 17-4.2
Subdivision or Replat of >3 lots		
Preliminary Plat	Type III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Variance	Type III	Chapter 17-4.7
Zoning District Map Change	Type III or IV	Chapter 17-4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

17-4.1 – General Review Procedures | Type I Procedure

17-4.1.020 Type I Procedure (Staff Review and Zoning Checklist)

- A. Type I Procedure (Staff Review).** The Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).
- B. Zoning Checklist.** The Planning Official reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 17-2 Zoning Regulations before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
- C. Application Requirements.**
- 1. Application Forms.** Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
 - 2. Application Requirements.** When a Zoning Checklist is required, it shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- D. Requirements.** The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the Planning Official has approved a Zoning Checklist for the proposed project.
- E. Criteria and Decision.** The Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- F. Effective Date.** A Zoning Checklist decision is final on the date it is signed by the Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals. See also, Section 17-1.2.070, Zoning Checklist and Coordination of Building Permits.

17-4.1 – General Review Procedures | Type II Procedure

17-4.1.030 Type II Procedure (Administrative Review With Notice)

The Planning Official, or his or her designee, performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the Planning Official.
2. **Submittal Information.** The Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought (For example, requirements for property line adjustments are in Chapter 17-4.3.);
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
 - e. The required fee.

B. Procedure.

1. The Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days prior to making the Type II decision.
2. The purpose of the Administrative Decision notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:
 - a. All owners of record of real property within a minimum of 300 feet of the subject site;
 - b. Any person who submits a written request to receive a notice of the pending decision; and

17-4.1 – General Review Procedures | Type II Procedure

- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the City of Molalla. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:
- a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;
 - b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;
 - c. The address and City contact person for submitting written comments; and the date, time, and location the Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;
 - d. The street address or other easily understandable reference to the location of the proposed use or development;
 - e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - f. Statement that all evidence relied upon by the Planning Official or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and
 - g. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
4. At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the Planning Official may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

17-4.1 – General Review Procedures | Type II Procedure

5. Where the Planning Official refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day period prescribed under state law (ORS 227.178) and as described in Section 17-4.1.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 17-4.1.040; in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.
 6. Within seven days of a Type II Administrative Decision, the Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
 7. The Administrative Notice of Decision shall contain all of the following information:
 - a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of the assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant to subsection 17-4.1.030.D.
- C. Effective Date of Decision.** Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 17-4.1.030.D.
- D. Appeal of Type II (Administrative) Decision.** A Type II Administrative Decision made by the Planning Official may be appealed to the City of Molalla Planning Commission; and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

17-4.1 – General Review Procedures | Type II Procedure

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the Type II decision; and
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

- a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.
- b. *Time for filing.* A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision and consistent with ORS 197.195.
- c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues being raised on appeal; and
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type II Administrative Decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the Planning Official, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal Hearing Procedure. Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 17-4.1.040, which contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

17-4.1 – General Review Procedures | Type III Procedure

17-4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial Review shall be made on forms provided by the Planning Official.
2. **Submittal Information.** The Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought;
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
 - e. The required fee.
 - f. Comments, if obtained from neighborhood contact per 17-4.1.070.

B. Procedure.

1. Mailed and Posted Notice.

- a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:
 - (1) All owners of record of real property located within a minimum of 300 feet of the subject site;
 - (2) Any person who submits a written request to receive a notice; and

17-4.1 – General Review Procedures | Type III Procedure

- (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the City of Molalla. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
- b. At least 14 days before the first hearing, the Applicant shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the Planning Official. The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.
 - c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and have said notice published in a newspaper with local circulation.
- 2. Content of Notice.** Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1, above, shall contain all of the following information:
- a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - b. The date, time, and location of the scheduled hearing;
 - c. The street address or other clear reference to the location of the proposed use or development;
 - d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the Planning Official, and that copies shall be provided at a reasonable cost;
 - f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

17-4.1 – General Review Procedures | Type III Procedure

- h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:
 - a. The applicable approval criteria by Code chapter that apply to the application;
 - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record; and
 - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
2. The public is entitled to an impartial hearing body. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.
3. Presenting and receiving evidence.
 - a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

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- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who are present at the hearing and previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
 5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
 6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
 - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 17-4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
 - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

17-4.1 – General Review Procedures | Type III Procedure

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor’s map may be used);
- c. A statement of where the City’s decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission’s decision to City Council pursuant to subsection 17-4.1.040.D, or may appeal the City Council’s decision to the state Land Use Board of Appeals, as applicable.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 17-4.1.040.D.

D. Appeal of Planning Commission Decision. The Planning Commission’s decision may be appealed to the City Council as follows:

1. Who may appeal.

The following people have legal standing to appeal:

- a. The applicant or owner of the subject property; and
- b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

- a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.
- b. *Time for filing.* A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision and consistent with ORS 197.195.
- c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

17-4.1 – General Review Procedures | Type III Procedure

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

- 3. Scope of appeal.** The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

E. Record of the Public Hearing.

- I. The official public hearing record shall include all of the following information:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the Planning Official to the hearings body regarding the application;
 - c. The minutes of the hearing;
 - d. The final written decision; and
 - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
2. The meeting minutes shall be filed in hardcopy form with the Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.
3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

- F. Effective Date and Appeals to State Land Use Board of Appeals.** A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

17-4.1 – General Review Procedures | Type IV Procedures

17-4.1.050 Type IV (Legislative Decisions)

- A. Timing of Requests.** The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.
- B. Application Requirements.**
1. **Application forms.** Legislative applications shall be made on forms provided by the Planning Official.
 2. **Submittal Information.** The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee, except when City of Molalla initiates request; and
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.
- C. Procedure.** Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:
1. The Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.
 2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and

17-4.1 – General Review Procedures | Type IV Procedure

d. For a zone change affecting a manufactured dwelling park, all mailing addresses within the park, in accordance with ORS 227.175.

3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city and the City's Website.

4. For each mailing and publication of notice, the Planning Official shall keep an affidavit of mailing/publication in the record.

D. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

17-4.1.060 Time Limit, Consolidated Review, and Planning Official's Duties

A. Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

D. Planning Official's Duties. The Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:

1. Prepare application forms based on the provisions of this Code and applicable state law;

2. Prepare required notices and process applications for review and action;

17-4.1 – General Review Procedures | Time Limit; Consolidated Review; Planning Official’s Duties

3. Assist the Planning Commission and City Council in administering the hearings process;
4. Answer questions from the public regarding the City’s land use regulations;
5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
6. Prepare findings consistent with City decisions on land use and development applications;
7. Prepare notices of final decisions, file the notices in the City’s records, and mail a copy of the notices to all parties entitled to notice under this Code; and
8. Maintain and preserve the file and public record for each application.

17-4.1 – General Review Procedures | Neighborhood Context

17-4.1.070 Neighborhood Contact

- A. Purpose and Applicability.** Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than one acre and located adjacent to any residential zone, and property owner-applicants for zone changes, are recommended to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.
- B. Notice.** Notice of the meeting should be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within 300 feet of the site, at their addresses of record at the Clackamas County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice should state the time, place, and purpose of the meeting, including a description of the proposed development.
- C. Meeting place, date, and time.** The meeting should be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place should be accessible to persons with disabilities. It should be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, should present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending should be allowed to ask questions and make comments. The applicant, or the applicant's agent, should make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant should also make a list of names of persons attending the meeting.
- E. Filing requirements.** Proof of having held the meeting, even if no affected property owners attend, is required and should be submitted to the City with a land use application. Copies of the following information should accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses to which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

17-4.2 – Site Design Review

Chapter 17-4.2 - Site Design Review

Sections:

17-4.2.010	Purpose
17-4.2.020	Applicability
17-4.2.030	Review Procedure
17-4.2.040	Application Submission Requirements
17-4.2.050	Approval Criteria and Adjustments
17-4.2.060	Assurances
17-4.2.070	Compliance with Conditions, Permit Expiration, and Modifications

17-4.2.010 Purpose

The purpose of this chapter is to advance all of the following objectives in the public interest:

- A.** Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;
- B.** Promote the public health, safety, and general welfare;
- C.** Provide adequate light and air, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D.** Encourage efficient use of land resources and public services, and the provision of transportation options.

17-4.2.020 Applicability

Site Design Review approval is required for new development. Site Design Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:

- A.** Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
- B.** Single-family detached dwelling (including manufactured home) on its own lot, except as required for designated historic landmarks or properties within a designated historic district;
- C.** A single duplex;
- D.** Non-residential building addition of up to 500 square feet or 10 percent, whichever is greater;

4.2 – Site Design Review | Review Procedure

- E.** Home occupation, except for uses requiring a Conditional Use Permit;
- F.** Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided that modifications to such plans may require Site Design Review, pursuant to Chapter 17-4.2;
- G.** Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the Planning Official and City Engineer, except where a condition of approval requires Site Design Review; and
- H.** Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

17-4.2.030 Review Procedure

Site Design Review shall be conducted using the Type II procedure in Section 17-4.1.030, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 17-4.1.040:

- A.** The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual;
- B.** The use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area;
- C.** The proposal involves a Conditional Use (new or expanded);
- D.** The proposal involves a variance under Chapter 17-4.7;
- E.** The proposal involves expansion of a non-conforming use; or
- F.** The Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

17-4.2 – Site Design Review | Application Submission Requirements

17-4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the Planning Official and the City Engineer determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements

1. Information required for Type II or Type III review, as applicable (see Chapter 17-4.1).
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 17-3.6.020.A(4).

B. Site Design Review Information. In addition to the general submission requirements, an applicant for Site Design Review shall provide the following information, as deemed applicable by the Planning Official. The Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. **Site analysis map.** The site analysis map shall contain all the following information, as the Planning Official deems applicable:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
 - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
 - c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;

17-4.2 – Site Design Review | Application Submission Requirements

- f. Areas subject to overlay zones;
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- i. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches or greater at 4 feet above grade;
- j. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and
- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. **Proposed site plan.** The site plan shall contain all the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area;
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- i. Loading and service areas for waste disposal, loading, and delivery;

17-4.2 – Site Design Review | Application Submission Requirements

- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - k. Location, type, and height of outdoor lighting;
 - l. Location of mail boxes, if known;
 - m. Name and address of project designer, if applicable;
 - n. Locations of bus stops and other public or private transportation facilities; and
 - o. Locations, sizes, and types of signs.
- 3. Architectural drawings.** Architectural drawings shall include, as applicable:
- a. Building elevations with dimensions;
 - b. Building materials, colors, and type; and
 - c. Name and contact information of the architect or designer.
- 4. Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.040.
- 5. Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 17-3.4:
- a. The location and height of existing and proposed fences, buffering, or screening materials;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

17-4.2 – Site Design Review | Application Submission Requirements

- f. Other information as deemed appropriate by the Planning Official. An arborist’s report may be required for sites with mature trees that are to be retained and protected.
6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 17-4.2.050.
8. **Traffic Impact Analysis,** when required by Section 17-3.6.020.A(4).
9. **Other information** determined by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal’s conformance with this Code.

17-4.2 – Site Design Review | Approval Criteria

17-4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Official, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

- A.** The application is complete, in accordance with Section 17-4.2.040, above;
- B.** The application complies with all of the applicable provisions of the underlying Zoning District (Article 17-2), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
- C.** The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Non-Conforming Situations;
- D.** The proposal complies with all of the Development and Design Standards of Article 17-3, as applicable, including, but not limited to:
 - 1.** Chapter 17-3.3 Access and Circulation;
 - 2.** Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting;
 - 3.** Chapter 17-3.5 Parking and Loading;
 - 4.** Chapter 17-3.6 Public Facilities; and
 - 5.** Chapter 17-3.7 Signs.
- E.** For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and
- F.** The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

17-4.2.060 Assurances

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 17-3.6.090, as applicable.

17-4.2 – Site Design Review | Compliance With Conditions; Modifications; Permit Expiration

17-4.2.070 Compliance With Conditions, Permit Expiration, and Modifications

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Site Design Review approvals are subject to all of the following standards and limitations:

- A. Approval Period.** Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
 2. Construction on the site is in violation of the approved plan.
- B. Extension.** The Planning Official, upon written request by the applicant, may grant a written extension of the approval period not to exceed one year; provided that:
1. No changes are made on the original approved plan;
 2. The applicant can show intent of initiating construction on the site within the one-year extension period;
 3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Design Review shall be required; and
 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.
- C. Modifications to Approved Plans and Developments.** Modifications to approved plans are subject to City review and approval under Chapter 17-4.5.

17-4.3 – Land Divisions and Property Line Adjustments

Chapter 17-4.3 - Land Divisions and Property Line Adjustments

Sections:

17-4.3.010	Purpose
17-4.3.020	General Requirements
17-4.3.030	Approval Process
17-4.3.040	Pre-Planning for Large Sites
17-4.3.050	Flexible Lot Size and Flag Lots
17-4.3.060	Preliminary Plat Submission Requirements
17-4.3.070	Preliminary Plat Approval Criteria
17-4.3.080	Land-Division-Related Variances
17-4.3.090	Final Plat Submission Requirements and Approval Criteria
17-4.3.100	Filing and Recording
17-4.3.110	Re-platting and Vacation of Plats
17-4.3.120	Property Line Adjustments

17-4.3.010 Purpose

The purpose of this chapter is to implement the objectives in subsections A-E, below:

- A.** Provide rules, regulations, and standards governing the approval of subdivisions, partitions, and property line adjustments as follows:
1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
 2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year.
 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).
- B.** Carry out the City's development pattern, as envisioned by the City's comprehensive plan.
- C.** Encourage efficient use of land resources and public services, and to provide transportation options.
- D.** Promote the public health, safety, and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

17-4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval

17-4.3.020 General Requirements

- A. Subdivision and Partition Approval Through Two-Step Process.** Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:
1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
 2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 17-4.3.120; they are not subject to 17-4.3.020 through 17-4.3.110.

- B. Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92 Subdivisions and Partitions.
- C. Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. (See also, Section 17-4.3.040 Pre-Planning for Large Sites.)
- D. Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 17-3.6. These systems shall be located and constructed underground where feasible.
- E. Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 17-3.6.
- F. Adequate Access.** All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 17-3.3.

17-4.3 – Land Divisions and Property Line Adjustments | Pre-Planning for Large Sites

17-4.3.030 Preliminary Plat Approval Process

- A. Review of Preliminary Plat.** Preliminary plats shall be processed using the Type III procedure under Section 17-4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 17-4.3.070.
- B. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 17-4.3.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection 17-4.3.030.D, with an overall time frame of more than two years between preliminary and final plat approvals.
- C. Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 17-4.5. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one year per extension, provided that all of the following criteria are met:
1. Any changes to the preliminary plat follow the procedures in Chapter 17-4.5;
 2. The applicant has submitted written intent to file a final plat within the one-year extension period;
 3. An extension of time will not prevent the lawful development of abutting properties;
 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
 5. The extension request is made before expiration of the original approved plan.
- D. Phased Subdivision.** The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:
1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;
 2. Public facilities shall be constructed in conjunction with or prior to each phase;
 3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal; and
 4. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application.

17-4.3 – Land Divisions and Property Line Adjustments | Pre-planning for Large Sites

17-4.3.040 Pre-planning for Large Sites

- A. Purpose.** Section 17-4.3.040 requires the pre-planning of large sites in conjunction with requests for annexation, and applications for phased subdivisions and master plan developments; the purpose of which is to avoid piecemeal development with inadequate public facilities.
- B. Applicability.** This section applies to land use applications and annexations affecting more than 40 acres of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.
- C. Area Plan Required.** Prior to submittal of an annexation petition or land division application for an area subject to Section 17-4.3.040, a conceptual master plan shall be submitted to the Planning Official with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, parks, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership. The plan shall demonstrate how future development, including any proposed phasing, can meet all the guidelines under subsection D, below.
- D. Criteria.** The conceptual plan required under subsection C, above, is not required to be engineered but shall have a sufficient level of detail so that the City officials can determine that it meets the following design guidelines:
1. Streets are interconnected to the extent practicable; blocks are walkable in scale (generally 200-600 feet in length), except where topography, existing development, or other physical features require longer blocks, in which case pedestrian access ways connect through long blocks;
 2. Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated;
 3. Overall, the plan achieves a housing density that is within 80 to 100 percent of planned densities, consistent with the Comprehensive Plan and Development Code; and
 4. The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.
- E. Implementation.** The conceptual master plan required by this section must be submitted during the pre-application meeting for the land use application or annexation petition, as applicable. The City may also refer the plan to outside agencies with jurisdiction for their input. The master plan is not binding, but the applicant is encouraged to refine the plan based on City input before submitting a land use application or annexation petition for the subject property. The applicant should also contact adjacent property owners and solicit their input prior to submitting a land use application, pursuant to Section 17-4.1.070.

17-4.3 – Land Divisions and Property Line Adjustments | Lot Size Averaging, Flag Lots, Infill

17-4.3.050 Lot Size Averaging, Flag Lots, and Infill Development

- A. Lot Size Averaging.** To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a 20 percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 17-2.2, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:
1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zone, or to improve development compatibility with natural features or adjacent land uses;
 2. The Planning Official may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard-, or larger-, sized lots.
- B. Flag Lots.** Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) shall serve not more than two dwelling units, including accessory dwellings and dwellings on individual lots. The City Engineer may approve additional units. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the standards of subsection 17-3.6.020.D.
- C. Infill Development and Mid-Block Lanes.** Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions through a long block, the Planning Official and City Engineer may require the improvement of a mid-block lanes through the block. Mid-block lanes are a private drives serving more than two dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of subsections D and E.
- D. Emergency Vehicle Access.** A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).
- E. Maximum Drive Lane Length.** The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code.

17-4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

17-4.3.060 Preliminary Plat Submission Requirements

Applications for Preliminary Plat approval shall contain all of the following information:

A. General Submission Requirements.

1. Information required for a Type III review (see Section 17-4.1.040); and
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for motorized and non-motorized vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis pursuant to Section 17-3.6.020.A(4).

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities determined by Planning Official:

I. General information:

- a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in Clackamas County (check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Zoning district of parcel to be divided, including any overlay zones;
 - e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
 - f. Identification of the drawing as a “preliminary plat.”
- 2. Existing Conditions.** Except where the Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:

17-4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

- a. Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;
 - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at two-foot vertical intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than six percent;
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f. The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;
 - g. North arrow and scale; and
 - h. Other information, as deemed necessary by the Planning Official for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- 3. Proposed Development.** Except where the Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:
- a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements: location, width, and purpose of all proposed easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
 - d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
 - e. Proposed public street improvements, pursuant to Chapter 17-3.6;

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- f.** On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;
- g.** Preliminary design for extending City water and sewer service to each lot, per Chapter 17-3.6;
- h.** Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 17-3.6;
- i.** The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
- j.** Evidence of compliance with applicable overlay zones; and
- k.** Evidence of contact with the applicable road authority for proposed new street connections.

17-4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval Criteria

17-4.3.070 Preliminary Plat Approval Criteria

- A. Approval Criteria.** The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:
1. The land division application shall conform to the requirements of Chapter 17-4.3;
 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 17-2 Zoning Regulations, except as modified by the provisions of Chapter 17-4.3 (e.g., lot size averaging);
 3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Article 17-3 Community Design Standards;
 4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 5. The proposed streets, utilities, and surface water drainage facilities conform to City of Molalla adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
 6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
 7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development;
 8. Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
 9. The architectural standards of subsection 17-3.2.030.D are met.
- B. Conditions of Approval.** The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

17-4.3.080 Land Division-Related Variances

Variances shall be processed in accordance with Chapter 17-4.7. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical, the applications shall be reviewed concurrently.

17-4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

17-4.3.090 Final Plat Submission Requirements and Approval Criteria

Final plats require review and approval by the Planning Official prior to recording with Clackamas County. The final plat submission requirements, approval criteria, and procedure are as follows:

Submission Requirements. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 17-4.3.070. The format of the plat shall conform to ORS Chapter 92.

B. Approval Process and Criteria. By means of a Type I Review, the Planning Official shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City of Molalla (e.g., road authority), or otherwise bonded in conformance with Section 17-3.6.090;
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
5. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;
7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the Clackamas County Surveyor for purposes of identifying its location.

4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

17-4.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat (“lot of record”) shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

- A. Filing Plat with County.** Within 60 days of City approval of the final plat, the applicant shall submit the final plat to Clackamas County for signatures of County officials, as required by ORS Chapter 92.
- B. Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. Prerequisites to Recording the Plat.**
 - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.
 - 2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

17-4.3.110 Re-platting and Vacation of Plats

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

17-4.3 – Land Divisions and Property Line Adjustments | Property Line Adjustments

17-4.3.120 Property Line Adjustments

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The Planning Official reviews applications for Property Line Adjustments pursuant to the Type I procedure under Section 17-4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

- A. Submission Requirements.** All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I review, pursuant to Section 17-4.1.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the City of Molalla Water Resources Overlay, existing fences and walls, and any other information deemed necessary by the Planning Commission for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.
- B. Approval Criteria.** The Planning Official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:
- 1. Parcel Creation.** No additional parcel or lot is created by the lot line adjustment;
 - 2. Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 17-2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of Molalla Water Resources Overlay; and
 - 3. Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 17-3.3 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.
- C. Recording Property Line Adjustments**
- 1. Recording.** Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Clackamas County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
 - 2. Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.

17-4.4 – Conditional Use Permits

Chapter 17-4.4 - Conditional Use Permits

Sections:

17-4.4.010	Purpose
17-4.4.020	Approvals Process
17-4.4.030	Application Submission Requirements
17-4.4.040	Criteria, Standards, and Conditions of Approval
17-4.4.050	Supplemental Development Standards

17-4.4.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 17-2.2 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

17-4.4.020 Approvals Process

The Planning Commission using a Type III procedure, per Section 17-4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 17-4.5 Modifications to Approved Plans and Conditions.

17-4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 17-4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 17-4.2.040 Application Submission Requirements.) An application for a conditional use permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 17-4.4.040.

17-4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

17-4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and
4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 17-2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

17-4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the Planning Official to issue renewals, who shall do so through a Type I or Type II procedure (see Chapter 17-4.1 for review procedures).

17-4.5 – Modifications to Approved Plans and Conditions

Chapter 17-4.5 - Modifications to Approved Plans and Conditions

Sections:

17-4.5.010	Purpose
17-4.5.020	Applicability
17-4.5.030	Major Modifications
17-4.5.040	Minor Modifications

17-4.5.010 Purpose

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

17-4.5.020 Applicability

This chapter applies when an applicant proposes to modify an approved application or condition of approval.

17-4.5.030 Major Modifications

A. Major Modification. The Planning Commission reviews applications for major modifications through the Quasi-Judicial procedure under Section 17-4.1.040. Any one of the following changes constitutes a major modification:

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of Article 17-2 and Article 17-3 are met;
2. An increase in floor area in a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by 20 percent or more, provided the standards of Article 17-2 and Article 17-3 are met;
3. A reduction in required setbacks, or an increase in lot coverage, by 20 percent or more, provided the standards of Article 17-2 and Article 17-3 are met;
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);

17-4.5 – Modifications to Approved Plans and Conditions

5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by 20 percent or more;
6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The Planning Official shall have discretion in determining detrimental impacts triggering a major modification; or
7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the Planning Official.

B. Major Modification Applications; Approval Criteria. Requests for major modifications shall conform to all of the following procedures and criteria:

1. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;
2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 17-4.4;
3. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 17-4.1; and
4. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., subdivision, Site Design Review, conditional use, etc.).

17-4.5.040 Minor Modifications

A. Minor Modification. The Planning Official through a Type I or II procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for minor modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 17-4.5.030, as determined by the Planning Official. A minor modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a major modification listed in subsection 17-4.5.030.A.

17-4.5 – Modifications to Approved Plans and Conditions

- B. Minor Modification Applications; Approval Criteria.** An application for minor modification shall include an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, in evaluating the request.
- C. Minor Modification Approval Criteria.** The Planning Commission shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval of the original decision.

17-4.6 – Amendments to Zoning Map or Code

Chapter 17-4.6 – Amendments to Zoning Map or Code

Sections:

17-4.6.010	Purpose
17-4.6.020	Procedure
17-4.6.030	Criteria
17-4.6.040	Record of Amendments
17-4.6.050	Transportation Planning Rule Compliance

17-4.6.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

17-4.6.020 Procedure

- A.** Except for corrections, amendments to Development Code text are Legislative (Type IV).
- B.** Amendments to the Zoning Map that affect more than one parcel, or more than one-half of an acre, whichever is greater, are Legislative (Type IV) actions.
- C.** Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.
- D.** Amendments that do not meet the criteria under subsections 17-4.6.020.A, 17-4.6.020.B, or 17-4.6.020.C may be processed as Quasi-Judicial amendments, pursuant to the Type III procedure.

17-4.6.030 Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A.** If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
- B.** The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

17-4.6 – Amendments to Zoning Map or Code

- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and
- D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance.

17-4.6.040 Record of Amendments

The Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

17-4.6.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

17-4.7 – Adjustments and Variances | Adjustments

Chapter 17-4.7 - Adjustments and Variances

Sections:

17-4.7.010	Purpose
17-4.7.020	General Provisions
17-4.7.030	Adjustments
17-4.7.040	Variances
17-4.7.050	Expiration

17-4.7.010 Purpose

Chapter 17-4.7 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

17-4.7.020 Intent

Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

- A. Adjustments.** Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed in limited situations pursuant to Section 17-4.7.030.
- B. Variances.** Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

17-4.7.030 Adjustments

Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development. Adjustments are subject to the following standards and procedures. Permitted uses, as provided in Article 17-2, shall not be adjusted.

17-4.7 – Adjustments and Variances | Variances

- A. Applicability.** The Planning Official or Planning Commission, through a Type II procedure, may adjust the following standards:
1. **Setbacks:** Up to a 20 percent reduction to a minimum setback.
 2. **Lot Coverage:** Up to a 20 percent increase to the maximum lot coverage.
 3. **Lot Dimensions:** Up to a 20 percent decrease to a minimum lot dimension.
 4. **Lot Area:** Up to a 20 percent decrease in minimum lot area.
 5. **Other Dimensional Standards:** Up to a 20 percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 17-2 (Tables 17-2.2.040.D, and 17-2.2.040.E, and Chapter 17-2.3 Special Use Standards) and Article 17-3; it does not include building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the Planning Official.
- B. Approval criteria.** The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.
1. The Adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses;
 2. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;
 3. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;
 4. An application for an Adjustment is limited to one lot per application;
 5. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;
 6. Not more than three Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
 7. All applicable building code requirements and engineering design standards shall be met.

17-4.7 – Adjustments and Variances | Adjustments

17-4.7.040 Variances

- A. Applicability.** A Variance is similar to an Adjustment, but does not otherwise meet the criteria under Section 17-4.7.030.
- B. Approval Criteria.** The Planning Commission through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:
1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;
 2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
 3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);
 4. The Variance does not conflict with other applicable City policies or other applicable regulations;
 5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and
 6. All applicable building code requirements and engineering design standards shall be met.

17-4.7.050 Expiration

Approvals granted under Chapter 17-4.7 shall expire if not acted upon by the property owner within one year of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Site Design Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the Planning Official may extend an approval accordingly.

17-4.8 – Master Planned Developments

Chapter 17-4.8 - Master Planned Developments

Sections:

17-4.8.010	Purpose
17-4.8.020	Applicability
17-4.8.030	Review and Approvals Process
17-4.8.040	Modifications to Development Standards
17-4.8.050	Concept Plan Submission
17-4.8.060	Concept Plan Approval Criteria
17-4.8.070	Expiration
17-4.8.080	Detailed Development Plan Submission
17-4.8.090	Detailed Development Plan Criteria
17-4.8.100	Subsequent Development Reviews

17-4.8.010 Purpose

The purposes of Chapter 17-4.8 are to:

- A.** Implement the Comprehensive Plan by providing a means for master planning large development sites as an alternative to piecemeal subdivision development;
- B.** Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;
- C.** Encourage housing options for a range of household sizes, incomes, and lifestyles;
- D.** Encourage mixed-use development and diversified employment opportunities;
- E.** Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- F.** Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- G.** Encourage energy efficiency and improved air and water quality;
- H.** Implement public facility master plans; and
- D.** Provide flexibility in development standards, consistent with the above purposes.

17-4.8.020 Applicability

The master planned development designation may be applied over any of the City's zoning districts. It is an option available to developers of land.

17-4.8 – Master Planned Developments

17-4.8.030 Review and Approvals Process

A. Review Steps. There are three required steps to master planned development approval, which may be completed individually or combined for concurrent review:

1. Application for master planned development concept plan approval;
2. Application for detailed development plan approval, which may include a preliminary subdivision plan; and
3. Application(s) for final development plan (e.g., final plat and/or site design review) approval.

B. Approval Process.

1. The master planned development concept plan shall be reviewed pursuant to the Type III procedure in Section 17-4.1.040, the submission requirements in Section 17-4.8.050, and the approval criteria in Section 17-4.8.060.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 17-4.1.030 to ensure substantial compliance with the approved concept plan.
3. Site design review applications for approved planned developments shall be reviewed using a Type II procedure in Section 17-4.1.030 to ensure substantial compliance with the approved concept plan.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

17-4.8.040 Modifications to Development Standards

The standards of Article 17-2 and Article 17-3 may be modified through the master plan development process without the need for variance under Chapter 17-4.7. In evaluating this criterion, the Planning Commission shall consider whether the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the Planning Commission shall apply the following criteria; the City may deny an application for Master Planned Development concept plan approval that does not meet all of the following criteria:

A. Comprehensive Plan. The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than 110 percent of the density permitted by the underlying zone.

B. Purpose and Intent of Development Code. The modification equally or better meets the purpose and

17-4.8 – Master Planned Developments

intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

- C. Public Benefit.** The modification provides a net benefit to the public by one or more of the following:
1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
 2. More open space or more usable open space than would be required under the base Development Code standards;
 3. Greater protection of natural features than would be required under the base Development Code standards;
 4. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and
 5. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.
- D. Engineering Design Standards.** Modifications to the City’s Public Works Design Standards and Transportation Plan Standards require separate variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the master planned development.

17-4.8.050 Concept Plan Submission

- A. General Submission Requirements.** An application for a Concept Development Plan shall follow the submission requirements for a Type III review under Section 17-4.1.040, and shall include all of the following:
1. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 2. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;
 3. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;
 4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 17-4.8.060;

17-4.8 – Master Planned Developments

5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and
6. Additional reports or studies prepared by qualified professionals, as required by the Planning Official and City Engineer, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

B. Additional Information. In addition to the general information described in subsection A, above, the concept plan, data, and narrative shall include all of the following exhibits and information:

1. Existing conditions map, as defined in Section 17-4.2.040 Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);
6. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and
7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

17-4.8.060 Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

- A. Comprehensive Plan.** The proposal conforms to the Comprehensive Plan;
- B. Land Division Chapter.** Except as may be modified under Section 17-4.8.040, all of the requirements for land divisions, under Chapter 17-4.3, are met;
- C. Article 17-2 and Article 17-3 Standards.** Except as may be modified under Section 17-4.8.040, all of the requirements of Article 17-2 and Article 17-3 are met;
- D. Open Space.** Master plans shall contain a minimum of 20 percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and

17-4.8 – Master Planned Developments

connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or
2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.

E. Modifications to Standards. Modifications to Code standards must conform to the criteria in Section 17-4.8.040.

17-4.8.070 Concept Plan and Expiration

- A. Filing.** Upon approval of a concept plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.
- B. Expiration.** Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 17-4.8.080 and 17-4.8.090.
- C. Extension.** The City may grant extensions of the concept plan approval period, not to exceed one year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the one-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

17-4.8.080 Detailed Development Plan Submission

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 17-4.3 and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II

17-4.8 – Master Planned Developments

procedure in Section 17-4.1.030 to ensure substantial conformance to the approved concept plan. Where the proposal is for a multifamily development, Site Design Review is required, pursuant to Chapter 17-4.2; Site Design Reviews on detailed development plans shall be processed through the Type II procedure.

17-4.8.090 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the Planning Official or City Engineer finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as major modifications under Chapter 17-4.5.

17-4.8.100 Subsequent Development Reviews

Notwithstanding the provisions of Section 17-4.2.030, where the City has previously approved a development project in concept as part of a master planned development approval, as determined by the Planning Official subsequent land use applications for the same project may be processed through a Type I review.

Article 17-5 – Definitions

Chapter 17-5.1 — Definitions

Sections:

17-5.1.010	Purpose
17-5.1.020	Applicability
17-5.1.030	Definitions

17-5.1.010 Purpose

The purpose of Chapter 17-5.1 is to define terms that are used in the City of Molalla Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

17-5.1.020 Applicability

- A. Definitions.** The definitions in Chapter 17-5.1 apply to all actions and interpretations under the City of Molalla Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be used as the standard reference.
- C. Land Use Categories.** Chapter 17-5.1 defines the land use categories used in Article 17-2.
- D. Conflicting Definitions.** Where a term listed in Chapter 17-5.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

17-5.1.020 Definitions

The following definitions are organized alphabetically.

A

Abutting. Contiguous or adjoining.

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access Control. Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to, 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements; 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and 3) provision for future opportunities for mitigation by land dedication or easement.

Access Management Plan. A plan adopted by the City, or jointly by the Oregon Transportation Commission (OTC) in coordination with the City, for managing access on a designated section of an arterial street or highway, or within the influence area of a highway interchange.

Access Way. A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.

Alternate Access. The right to access a property by means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an

alley, and may be in the form of a single or joint approach.

Access, Reasonable. Access that does not require excessive out-of-direction travel or pose a safety hazard.

Access Point. A connection providing for the movement of vehicles between a lot or parcel and a public roadway.

Access Spacing / Intersection Spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, arbors, gazebos, heat pumps, workshops, and other structures. See also, Primary Structure.

Accessory Use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also, Primary Use.

Adjacent. Abutting or located directly across a street right-of-way or easement.

Alter/Alteration. A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Molalla before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;

- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Applicant. A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

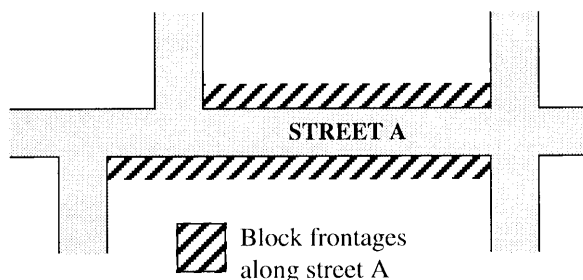
B

Bed and Breakfast Inn. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant to the special use requirements for bed and breakfast inns.

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Block Face / Street Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See figure, below.

Block Frontage



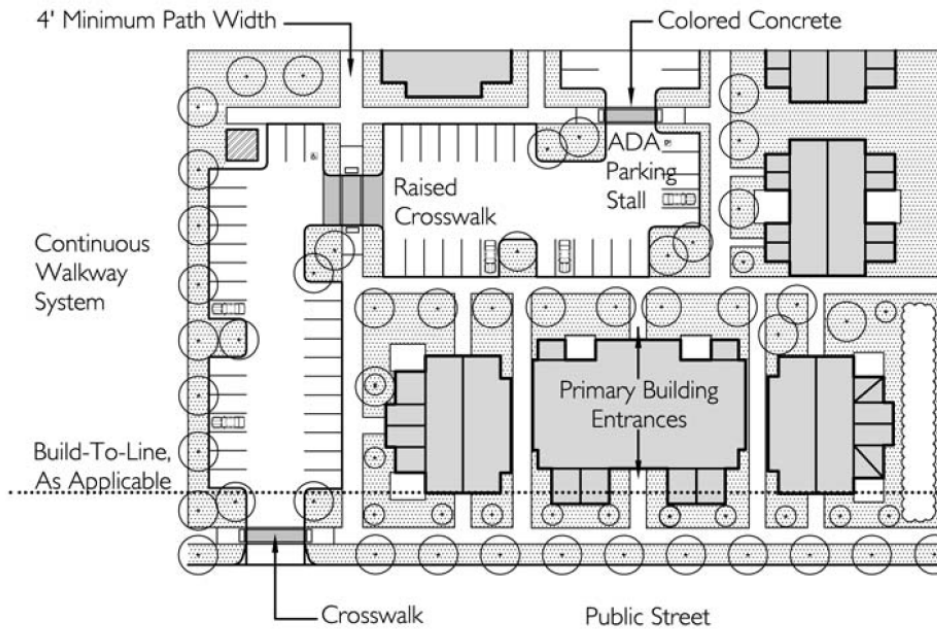
Building. See applicable building code.

Building Footprint. The outline of a building, as measured around its foundation.

Building/Structure Height. The height of a building or structure as measured pursuant to the State of Oregon Structural Specialty Code.

Build-to Line. A maximum front or street yard setback which is typically required along commercial street frontages to promote a storefront character and pedestrian-oriented design.

Build-to Line



Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

C

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of "Occupancy" in applicable building codes.

Carport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Change of Use. Change in the primary type of use on a site.

Child Care Facility. Facilities that provide care and supervision of minor children for periods of less than 24 hours that do not otherwise meet the definition of Family Daycare.

City. The City of Molalla, Oregon.

Clearing (as in clearing and grading). Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeding typical yard maintenance for a single-family dwelling.

Clear and Objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Club. Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group, or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Land use involving buying/selling of goods or services as the primary activity. See also, Retail Sales and Services.

Commercial Outdoor Recreation (Land Use). Includes firing ranges, golf courses, and driving ranges, etc.

Common Area. Land jointly owned to include open space, landscaping, or recreation facilities (e. g., may be managed by a homeowners' association).

Community Services (Land Use). Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. See also, Religious Institutions, and Parks and Open Spaces.

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Molalla.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 17-4.4.

Condominium. Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums. See ORS Chapter 100 for applicable requirements.

Corner lot. See Lot, Corner lot.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Council/City Council. The City Council of Molalla, Oregon.

County. Clackamas County.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding federal holidays.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

Develop. To construct or alter a structure or to make a physical change to the land, including excavations, clearing, and fills. See also, Alteration.

Development. All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 17-1.4 Non-Conforming Situations.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Drive-Through/Drive-Up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Driveway. The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

Driveway Apron. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

Driveway, Shared. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit. For the purposes of this Code, the following types of dwelling units are defined:

- **Accessory Dwelling.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling.
- **Attached, Single-Family (Townhome).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).
- **Cottage Cluster.** A grouping of small, single family dwellings clustered around a common area and developed with a coherent plan for the entire site.
- **Duplex Dwelling.** A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used

for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- **Multifamily Development.** A structure or grouping of structures containing three or more dwellings on the same lot.
- **Multifamily Structure.** A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.
- **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.
- **Recreational Vehicle (RV).** A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and administrative rules.
- **Residential Care Home** is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).
- **Residential Care Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.
- **Single-Family, Detached Dwelling.** A detached dwelling unit located on its own lot.

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Clackamas County.

Emergency Apparatus Lane or Fire Lane. Unobstructed area or driveway meeting Uniform Fire Code requirements, typically not be used for parking or loading area.

Floodplain/Hazard Area. Area as so indicated by the federal Flood Insurance Rate Map, as amended.

F

Family Daycare. Care for not more than 16 children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant to ORS Chapter 92 and Chapter 17-4.3 of this Code.

Floor Area. Area of building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space.

G

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon).

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Ground Cover. Living or processed plant material (e. g., mulch, bark chips), river rock, and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting.

H

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste
- Chemicals subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July 1987, U. S. Environmental Protection Agency
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101
- Other substances as determined by applicable state or federal agency

Home Occupation, Home Occupation Site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site, subject to the special use provisions of Chapter 17-2.3.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

I

Incidental and Subordinate to. Secondary to, and less apparent than, the primary use or other portion of the development.

Intersection. An at-grade connection of a public or private approach road to the highway.

Industrial Service Uses. Industrial Service firms are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, autos, or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

J

Junk Yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any lot or premises where three or more dogs or cats aged six months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land Division. The process of dividing land to create parcels or lots. See Chapter 17-4.3.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains, or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection, and replacement of trees.

Land Use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

Land Use Decision. A final decision or determination made by the City of Molalla (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring Quasi-Judicial review by the City of Molalla are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 4.1.050.

Level of Service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. See City of Molalla Transportation System Plan.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 17-3.5 Parking and Loading.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for "lot" apply to the state definition of both lot (result of subdividing) and parcel (result of partitioning). See figures under the definition for "Lot Lines/Property Lines."

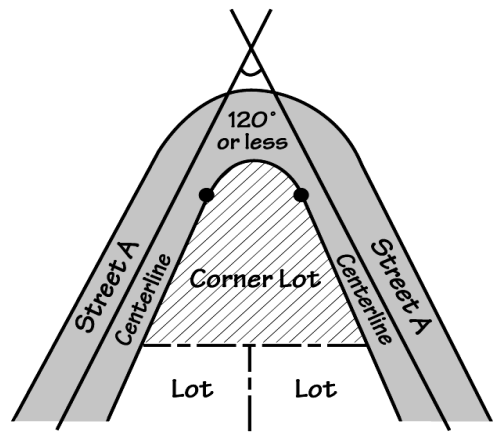
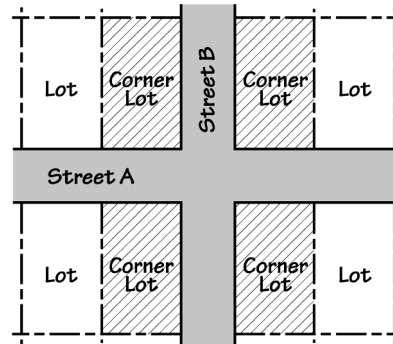
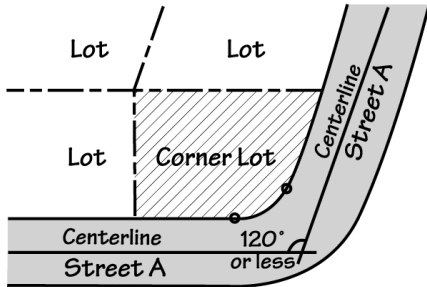
- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See figures, below.

- **Flag Lot.** A lot with two distinct parts, the flag, which is the only building site and is located behind another lot; and the pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.
- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

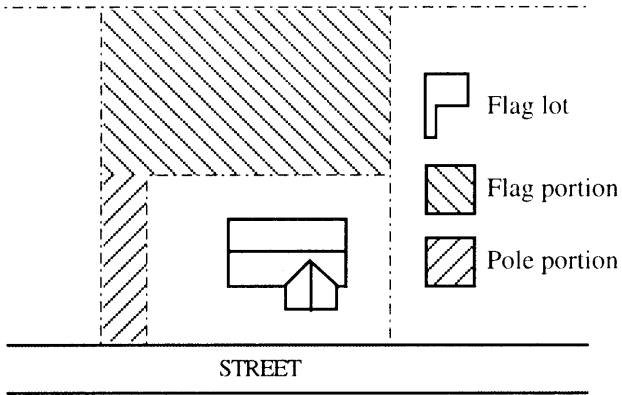
Lot Lines / Property Lines. The property lines along the edge of a lot or site. See figures, below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See figures, below.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See figures, below.
- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See figures, below.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See figures, below.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See figures, below.

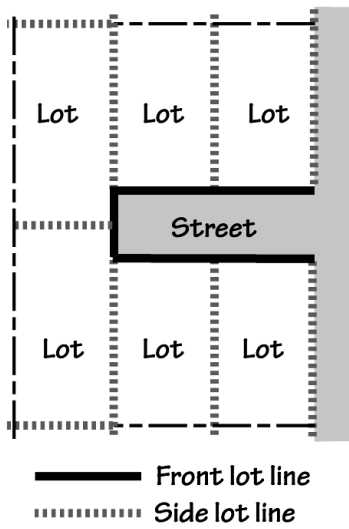
Corner Lots



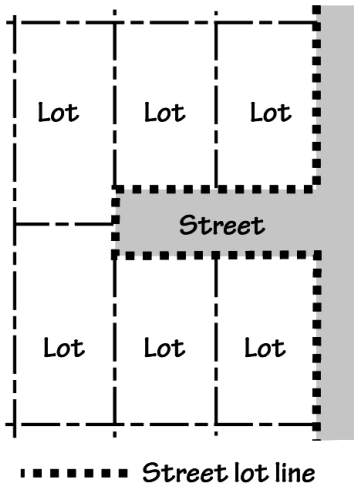
Flag Lot



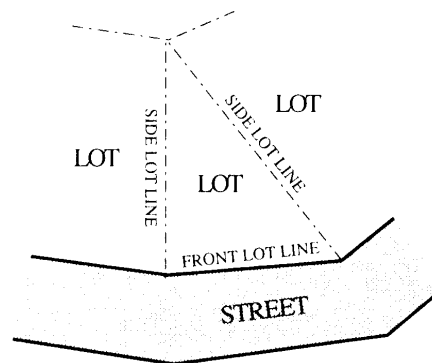
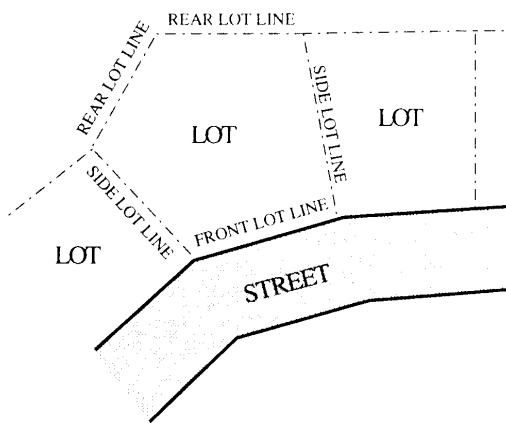
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



Lot of Record. A legally created lot or parcel meeting all applicable regulations in effect at the time of creation and held in separate ownership, or any other lot deemed a legal lot under Chapter 17-1.3.

Lot, Double-Frontage. See Lot, Through/Reverse Frontage Lot.

Lot Area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot Consolidation. The reduction in the number of lots, i.e., the creation of one lot from two or more existing lots.

Lot Coverage. The total area of a lot covered by building(s) or impervious surfaces, as provided by the applicable land use district development standards.

Lot Line Adjustment. See Property Line Adjustment.

M

Main/Primary Building Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Ground Floor. Building floor closest to street level and within four feet of finished grade.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured and Mobile Homes. See definitions under Dwelling.

Manufactured Dwelling Park (Land Use). Any place where four or more manufactured dwellings, as defined in ORS 446.003, are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446.

Manufacturing and Production (Land Use). Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; slaughter houses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products, including enameling and galvanizing; manufacture or assembly of machinery, equipment, vehicles, appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

Multifamily Development and Structure. See definitions under Dwelling.

N

Net Buildable Area. The area of a site for residential or non-residential development, excluding street right-of-ways and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities. “Net buildable area” is expressed either in acres or square feet.

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 17-1.4.

Nonconforming Situation. A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also, Nonconforming Development and Nonconforming Use. See Chapter 17-1.4.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 17-1.4.

O

Office (Land Use). Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Off-street Parking. All off-street areas designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 17-3.5 for parking standards.

On-street Parking. Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 17-3.5 for parking standards.

Orientation. To face toward a particular point of reference (e.g., “A building oriented to the street”).

Owner. The owner of the title to real property or the contract purchaser of real property of record,

as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Parcel. A legally defined area of land created through a partition.

Parks and Open Space (Land Use). Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking Space. An improved space designed to provide standing area for a motor vehicle. See Chapter 17-3.5 for parking space standards.

Parking Versus Storage. Parking is to leave a motor vehicle for a temporary time. Storage is to place or leave in a location for storage, maintenance, repair, future sale, or rental, or future use for an indefinite period of time.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

Pathway. A walkway, bikeway, or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

Planned Road or Street. A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Plat. Diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the state law definitions of “partition plat” and “subdivision plat.” See also, Chapter 17-4.3, Land Divisions.

Posted Speed. The statutory speed established by ORS 811.105 or ORS 811.180, or the designated speed established by ORS 810.180.

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

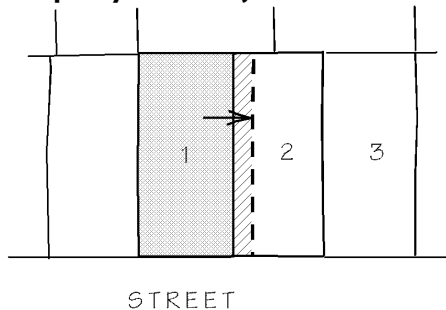
Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development subject to one or more land use approvals.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant to Chapter 17-4.3. See figure, below.

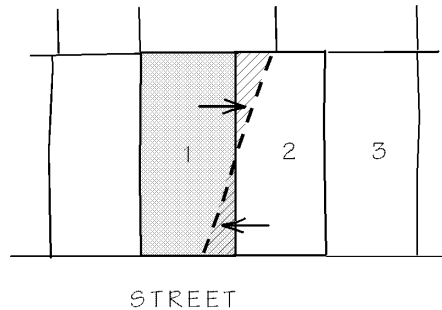
Property Line Adjustment



STREET

////// Exchange Parcel

Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.



STREET

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

Public Access Easement. A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

Public Improvements. Development of public infrastructure, as required by the City, a special district, or road authority, as applicable. See Chapter 17-3.6.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 17-4.1.040.

R

Radio Frequency Transmission Facilities (Land Use). Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures, or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Recycling Center. A facility for the collection, storage, and processing of recyclable materials including crushing, breaking, sorting, packaging and related operations. This shall not include retail bottle/can return centers in C-1 or C-2 commercial districts, junkyards or wrecking yards.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential Use (Land Use). Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, Vehicle Servicing.

Right-Of-Way. Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority. The City or other agency (e. g., Oregon Department of Transportation, City of Molalla, or Clackamas County) with jurisdiction over a road or street.

S

Schools (Land Use). Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

Self-Service Storage. Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

Setback / Setback Yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

Shared Driveway. A driveway used to access two or more parcels.

Shared Parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 17-3.5.

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

Sight Distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety (e.g., a length of street or highway that a driver can see with an acceptable level of clarity, pursuant to the standards of the applicable roadway authority).

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising, or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. included in this definition of signs are: graphic devices such as logos and trademarks; attention-attracting objects such as wind-driven spinners, portable sign devices, logo sculptures, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, and laser projected designs/images/copy; and other attention attracting media and devices. (Note: Cross reference with existing sign ordinance.)

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block/Street Frontage.

Spacing Standards. The minimum distance required between a proposed street or driveway connection, as applicable, and the center of the nearest existing street or driveway connection on the same side of the highway in both directions, as set forth by the standards of the applicable roadway authority. Spacing standards for state highways are contained in OAR 734-051-4020.

Street. A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel; or for motor vehicle, bicycle, or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys and rail rights-of-way that do not also allow for motor vehicle access, or freeways and their ramps.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-Facing / Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Structure. Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 17-4.3 Land Divisions, and ORS 92.010.

T

Through Street. A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing man-made feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner's association or other entity for maintenance.

Traffic Impact Analysis. A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

Turnaround. A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink, or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24), and Recreational Vehicle.

U

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities. For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating

and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

V

Variance. A Planning Commission or Planning Official decision to lessen or otherwise modify the requirements of this Code. See Chapter 17-4.7.

Vehicle Areas. All of the areas on a site where vehicles may circulate or park, including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Repair. Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing. Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 17-3.3.

W

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, and Sidewalk.

Waste/Trash Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Waste-Related Use. Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

Warehouse, Freight Movement and Distribution. The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

Wireless Communication Equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

X [reserved]

Y

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).

Z [reserved]

**CITY OF MOLALLA
RESOLUTION NO. 2017-12**

**A RESOLUTION CONSENTING TO THE TRANSFER OF CONTROL
RELATED TO THE CABLE FRANCHISEE WAVEDIVISION VII, LLC WITH
CONDITIONS**

WHEREAS, WaveDivision VII, LLC, a Washington limited liability company d/b/a Wave (“Wave”), is the Franchisee under a cable franchise agreement approved by the City of Molalla (the “City”) by Ordinance 2012-07, on February 22, 2012 (the “Franchise”); and

WHEREAS, Wave is a wholly-owned subsidiary of WaveDivision Holdings, LLC, a Delaware limited liability company (“WDH”); and

WHEREAS, on May 18, 2017, Radiate HoldCo, LLC, a Delaware limited liability company controlled by Radiate Holdings, L.P. (“Radiate”), WHD and Wave Holdco, LLC, a Delaware limited liability company (“Wave Holdco”), the ultimate parent of WDH, entered into an agreement for Radiate HoldCo, LLC to acquire Wave Holdco from its current owners (the “Transaction”); and

WHEREAS, on June 16, 2017, Radiate and Wave Holdco sent the City a Federal Communications Commission Form 394 Application by which the parties requested approval from the City of the Transaction; and

WHEREAS, Federal law and Section 11 of the Franchise authorize the City to review any proposed transfer of control, including the proposed Transaction as described in the Form 394 Application; and

WHEREAS, Section 11 of the Franchise also authorizes the City to condition approval of a transfer upon such terms and conditions as it deems reasonably appropriate within the legal, financial, and technical framework provided by the Franchise; and

WHEREAS, the City has reviewed the materials provided by Radiate and Wave Holdco in the Form 394 Application, and the City deems it to be in furtherance of the public interest to consent to the Transaction, subject to appropriate conditions.

NOW, THEREFORE, THE CITY OF MOLALLA RESOLVES AS FOLLOWS:

Section 1. Consent to the Transfer of Control.

The City of Molalla hereby consents to the transfer of control that will occur on the closing of the Transaction as set forth in the Federal Communications Commission Form 394 received by the City, subject to the conditions set forth in Section 2, below.

Section 2. Conditions to the Transfer of Control.

The City’s approval of the proposed transfer of control is subject to each of the following conditions:

1. The Transaction is consummated as described in the Form 394 Application with no substantial change in the terms and conditions as described therein.
2. Wave is in compliance with the franchise terms at the time of the transfer of control and corrects any known violations prior to the transfer.
3. Wave, before and after the closing of the Transaction, shall remain bound by the lawful terms and conditions of the Franchise.

Section 3. Effective Date.

This resolution is effective immediately upon adoption.

Passed by City Council this ___ day of _____, 2017, by the following vote:

AYES:

NAYS:

Approved by the Mayor this ___ day of _____, 2017.

Jimmy Thompson, Mayor

ATTESTED BY:

Dan Huff, City Manager

Filed in the office of the City Recorder this ___ day of _____ 2017.

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City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: *Resolution No. 2017-12* Wave Broadband Et. Al.

Recommendation: Council Approval

Date of Meeting to be Presented: *September 27, 2017*

Fiscal Impact: None

Background:

The attached resolution prepared by the City Attorney, is a procedural matter in regards to the sale of WaveDivision (Wave Broadband) to Radiate HoldCo.

Because the City of Molalla has a Franchise Agreement with Wave we are being asked to approve the transfer of control within the City's jurisdiction. Page Two of the Resolution identifies three conditions of adherence to the existing Franchise Agreement that expires in 2024. If you would like a copy of the existing Franchise Agreement please let us know.

This Resolution is presented for Council approval.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

**CITY OF MOLALLA
RESOLUTION NO. 2017-12**

**A RESOLUTION CONSENTING TO THE TRANSFER OF CONTROL
RELATED TO THE CABLE FRANCHISEE WAVEDIVISION VII, LLC WITH
CONDITIONS**

WHEREAS, WaveDivision VII, LLC, a Washington limited liability company d/b/a Wave (“Wave”), is the Franchisee under a cable franchise agreement approved by the City of Molalla (the “City”) by Ordinance 2012-07, on February 22, 2012 (the “Franchise”); and

WHEREAS, Wave is a wholly-owned subsidiary of WaveDivision Holdings, LLC, a Delaware limited liability company (“WDH”); and

WHEREAS, on May 18, 2017, Radiate HoldCo, LLC, a Delaware limited liability company controlled by Radiate Holdings, L.P. (“Radiate”), WHD and Wave Holdco, LLC, a Delaware limited liability company (“Wave Holdco”), the ultimate parent of WDH, entered into an agreement for Radiate HoldCo, LLC to acquire Wave Holdco from its current owners (the “Transaction”); and

WHEREAS, on June 16, 2017, Radiate and Wave Holdco sent the City a Federal Communications Commission Form 394 Application by which the parties requested approval from the City of the Transaction; and

WHEREAS, Federal law and Section 11 of the Franchise authorize the City to review any proposed transfer of control, including the proposed Transaction as described in the Form 394 Application; and

WHEREAS, Section 11 of the Franchise also authorizes the City to condition approval of a transfer upon such terms and conditions as it deems reasonably appropriate within the legal, financial, and technical framework provided by the Franchise; and

WHEREAS, the City has reviewed the materials provided by Radiate and Wave Holdco in the Form 394 Application, and the City deems it to be in furtherance of the public interest to consent to the Transaction, subject to appropriate conditions.

NOW, THEREFORE, THE CITY OF MOLALLA RESOLVES AS FOLLOWS:

Section 1. Consent to the Transfer of Control.

The City of Molalla hereby consents to the transfer of control that will occur on the closing of the Transaction as set forth in the Federal Communications Commission Form 394 received by the City, subject to the conditions set forth in Section 2, below.

Section 2. Conditions to the Transfer of Control.

The City’s approval of the proposed transfer of control is subject to each of the following conditions:

1. The Transaction is consummated as described in the Form 394 Application with no substantial change in the terms and conditions as described therein.
2. Wave is in compliance with the franchise terms at the time of the transfer of control and corrects any known violations prior to the transfer.
3. Wave, before and after the closing of the Transaction, shall remain bound by the lawful terms and conditions of the Franchise.

Section 3. Effective Date.

This resolution is effective immediately upon adoption.

Passed by City Council this __ day of _____, 2017, by the following vote:

AYES:

NAYS:

Approved by the Mayor this __ day of _____, 2017.

Jimmy Thompson, Mayor

ATTESTED BY:

Dan Huff, City Manager

Filed in the office of the City Recorder this __ day of _____ 2017.

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: *Ordinance – Expenditure Authorization*

Recommendation: Council Approval (1st Reading)

Date of Meeting to be Presented: *September 27, 2017*

Fiscal Impact: None

Background:

Attached to this Agenda Bill is an Ordinance to amend Section 1.02.240 of the Molalla Municipal Code related to the authorization of expenditures. Council considered this change as part of a discussion during their August 23, 2017 regular meeting.

The amendment, as prepared by the City Attorney, will increase budgeted spending authorization for Department Heads from \$1000.00 to \$5,000.00. The budgeted spending authorization for the City Manager will increase from \$10,000.00 to \$100,000.00.

This Ordinance amendment is presented for 1st reading.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

City of Molalla

ORDINANCE No. 2017-09

AN ORDINANCE AMENDING SECTION 1.02.240 OF THE MOLALLA MUNICIPAL CODE RELATED TO THE AUTHORIZATION OF EXPENDITURES.

WHEREAS, Section 1.02.240 of the Molalla Municipal Code regulates approval authority for certain city expenditures; and

WHEREAS, the City desires to amend such approval authority to increase efficiencies.

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

Section 1: Section 1.02.240 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~striketrough~~ fonts):

1.02.240 Authorization of expenditures.

A. ~~Subject to Sections 21.D. and 22.C.3. of the City Charter,~~ a A department director or manager shall not spend or commit more than \$15,000.00 of budgeted funds without approval of the City Manager.

B. Subject to Section 34.d.1. of the City of Molalla Charter, the City Manager shall receive Council approval prior to ~~spending or committing to~~ making any budgeted expenditures in excess of \$100,000.00 that are outside the scope of regular daily city operations.

C. The City Manager shall receive Council approval prior to making any expenditures, regardless of the dollar amount, if the contemplated expenditure is not included in the adopted budget for the given fiscal year in which the contemplated expenditure is to be made.

Section 2: This Ordinance shall take effect 30 days after enactment.

Adopted this _____ day of _____, 2017.

Approved:

Jimmy Thompson, Mayor

ATTEST this ____ day of _____ 2017.

Dan Huff, City Manager

City Of Molalla

City Council Meeting

Agenda Category: Old Business

Subject: *Molalla Enterprise Zone Reauthorization*

Recommendation: Council Approval

Date of Meeting to be Presented: *September 27, 2017 (July 26, 2017)*

Fiscal Impact: None

Background:

During your July 26, 2017 Council meeting the City Council approved reauthorization of the Molalla Enterprise Zone. That decision approved by Council should have included a Resolution as attached. You will recall that the purpose behind the zone is to provide an incentive to encourage existing or new companies to invest and create jobs within the zone.

This is considered a housekeeping measure.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

RESOLUTION 2017- 13

A RESOLUTION OF THE CITY OF MOLALLA REAUTHORIZING THE MOLALLA ENTERPRISE ZONE.

WHEREAS, the City of Molalla supports creation of new jobs and new business in Molalla; and

WHEREAS, executing this resolution is a requirement to reauthorize the Molalla Enterprise Zone; and

WHEREAS, participation in the Enterprise Zone program can promote jobs and business in Molalla;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Molalla as follows:

1. The City Council approves the reauthorization of the Molalla Enterprise Zone.

DULY ADOPTED AND EFFECTIVE the 27th day of September, 2017, by a

vote of _____ ayes and _____ nays.

Mayor Jimmy Thompson

ATTEST this ___ day of _____, 2017:

City Manager, Dan Huff