



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/27/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Molalla Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, November 10, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Shane Potter, City of Molalla
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Thomas Hogue, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Natural Resources Specialist

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

OCT 21 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Molalla**

Local file number: **CA 2008-2**

Date of Adoption: **3/10/2010**

Date Mailed: **10/20/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Code re-write

Does the Adoption differ from proposal? Please select one

Yes additional changes were made from the original submission to the state.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-08 (17083) [16368]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

State of Oregon, Clackamas County, City of Molalla, DLCD, and ODOT

Local Contact: **Shane Potter**

Phone: (503) 829-7526 Extension: N/A

Address: **117 N Molalla Ave (PO Box 248)**

Fax Number: **503-829-3676**

City: **Molalla**

Zip: **OR**

E-mail Address: **97038**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City of Molalla
ORDINANCE NO. 2010-04

**AN ORDINANCE ADOPTING A DEVELOPMENT CODE,
AND REPEALING THE EXISTING DEVELOPMENT CODE**

WHEREAS, the City of Molalla comprehensive land use plan (the "Comprehensive Plan) is implemented through Chapters 16, 17, 18, 19, 20 and 22 of the Molalla Municipal Code; and

WHEREAS, Chapters 16, 17, 18 and 19 of the Municipal Code (also known as the "Development Code") have not been substantially reviewed or revised since they were adopted in the 1980's; and

Whereas the City Council determined that the Development Code should be updated to be consistent with current building practices and review procedures; and

WHEREAS, the City Planning Department and Planning Commission conducted numerous community meetings, open houses, and public meetings to solicit ideas, gather information, review proposed code provisions and on the proposed Comprehensive Plan; and

The Planning staff and Planning Commission worked closely with local business community and neighborhood groups to review the proposed Development Code; and

Whereas; the City received and reviewed thousands of public comments on the proposed Development Code from City residents, county residents and the local business community; and,

WHEREAS, the City solicited and incorporated comments from the State Department of Land Conservation and Development, the Oregon Department of Transportation and the State Department of Parks and Recreation; and

WHEREAS, on September 2, 2009, the Planning Commission forwarded a recommendation to the City Council that it approve the proposed Development Code; and

WHEREAS, the City Council held public hearings on the proposed Development Code on October 21, October 28, November 4, November 18, December 2, and December 9, 2009, and on January 20, and February 10, 2010; and

WHEREAS, on February 10, 2010, the City Council adopted amendments to the proposed Development Code and directed staff to develop findings of compliance with applicable laws and policies; and

WHEREAS, the City Council finds that economic development in Molalla depends on a Development Code that can provide clear guidance to property owners and the local development community, as well as provide a fair and efficient review of development applications; and


WHEREAS, based on the findings and conclusions in the staff report attached as Exhibit A to this Ordinance, the City Council finds the proposed Development Code attached as Exhibit B to this Ordinance complies with all applicable statutes, goals and rules;

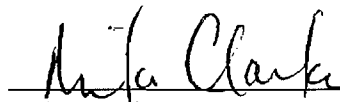
Now, therefore, the City of Molalla Ordains as follows:

- Section 1.** The City Council adopts the findings and conclusions in the staff report dated March 3, 2010 attached hereto as Exhibit A.
- Section 2.** Chapters 16, 17, 18, 19, 20 and 22 of the Molalla Municipal Code in effect on the effective date of this ordinance are repealed in their entirety.
- Section 3.** The Molalla Municipal Code is amended to include the new Chapters 16, 17, 18, 19, 20 and 22 attached hereto as Exhibit B.
- Section 4.** Pursuant to Chapter V, Section 22, of the Molalla City Charter, the City Manager is authorized to take such action as may be necessary to implement this Ordinance, including but not limited to ensuring accurate codification, updating the City website to reflect the new Development Code and making copies of the plan and code available to the public.
- Section 5.** An emergency is hereby declared and this ordinance and shall take effect upon adoption.

This ordinance adopted and approved by the Mayor this 10 day of March, 2010.

Attest:


Sadie Cramer, City Recorder


Mike Clarke, Mayor

Molalla Planning Department

117 N. Molalla Ave. - P.O. Box 248

Molalla, OR 97038

Phone: 503-829-7526 Fax: 503-829-6872

www.molallaplanning.com



To Whom It May Concern:

It has come to my attention that the Department does not have a copy of Molalla's revised development code that was adopted by the City Council on March 10, 2010. Enclosed is a complete copy of the code, the ordinance adopting it and the findings.

By way of explanation, a copy of the new code along with a copy of the adopting ordinance, findings and notice of adoption was mailed to the Department on March 22, 2010, as required under ORS 197.615. Unfortunately, the box also contained a copy of the revised Molalla Comprehensive Plan that the City Council adopted the same evening, the ordinance adopting the Comprehensive Plan, the related findings and notice of adoption. Apparently, the staff person who received the packet only noticed the Comprehensive Plan materials and returned the *entire* packet to the City because the Plan still requires adoption by the County. As a result, the Department does not have a copy of the adopted development code and the City has not received an acknowledgement notice.

Accordingly, I am again forwarding a copy of the Code and findings. Please let me know if you have any questions and when the City can expect to receive notice of acknowledgement.

SHANE POTTER, PLANNING DIRECTOR

City of Molalla Planning Department

planner@molalla.net

Molalla Comprehensive Plan and Development Code – Goal Findings and Conclusions

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The benefit to the public from the proposed use clearly outweighs the public good from retaining the wetland area

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Introduction

In response to unprecedented growth, the city of Molalla has engaged in a multi-year process to establish a community vision and to overhaul the 30-year old *Molalla Comprehensive Plan* or more simply, “the comprehensive plan”.

As noted on the City’s website and in the draft comprehensive plan update, Molalla’s vision can be summarized in a few simple words:

*Molalla – A recreation-oriented and family-friendly community
with a vibrant downtown and livable neighborhoods*

To realize this vision consistent with Oregon’s statewide planning program, Molalla has worked cooperatively with its citizens and with affected units of government to develop and adopt a series of implementing plans and land use regulations:

- The *Molalla Park and Recreation Master Plan* or “parks plan” (Cogan Owens Cogan, 2009) and
- The *Molalla Development Code* or “development code” (City of Molalla, 2010)
- The *Molalla Urban Reserve* or “urban reserve” (Winterbrook Planning, 2010)

Each of these plans and implementing measures is supported by one or more background studies – each of which has been modified several times to incorporate comments from the public, Clackamas County and affected state agencies. These background documents are adopted by ordinance and referenced as Volume II of the comprehensive plan.

Winterbrook prepared findings in support of the proposed Molalla Urban Reserve in 2009 based on information found in these background studies.

Purpose and Organization of these Findings

The findings in this document demonstrate why the 2010 version of the comprehensive plan (as implemented by the downtown plan, the parks plan, and the development code), is consistent with applicable statewide planning goals.

The organization of these findings is straightforward: each applicable statewide planning goal is cited and paraphrased, followed by an explanation of why the new comprehensive plan and implementing plans and land use regulations are consistent with the referenced goal.

Applicable Statewide Planning Goals

Applicable statewide planning goals (and implementing administrative rules) include the following:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 5: Natural Resources (OAR 660, Division 023)
- Goal 6: Air, Water and Land Resources Quality
- Goal 7: Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economy of the State (OAR 660, Division 009)
- Goal 10: Housing (OAR 660, Division 008)
- Goal 11: Public Facilities and Services (OAR 660, Division 011)
- Goal 12: Transportation (OAR 660, Division 012)
- Goal 13: Energy Conservation
- Goal 14: Urbanization (OAR 660, Division 024)

Goal 1: Citizen Involvement

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

Goal 1 is at the heart of Oregon's planning program. The ability of citizens to participate in all phases of the planning process is critical to Goal 1 compliance. The ability to participate in the process is not, however, the same as giving all participants what they want. After listening and responding to comments from Molalla and rural residents, property owners and businesses, the Council made policy choices that it believed were in the best interest of the community as a whole. In certain cases, this led to an unsatisfactory result for some participants in the process.

Planning Commission and Council Work Sessions

Between January 2005 and March 2009, Molalla Planning Commission held 149 public work sessions on the comprehensive plan, development code, downtown plan, and park and recreational plan and supporting background documents. Materials considered at each work session were made available at the Planning Department for public review. Each document was revised several times as a result of the public review process. Each series of revised documents was posted on the City's website at <http://www.molallaplanning.com>.

To ensure the full airing of all issues raised, and in addition to the 149 planning commission work sessions, the planning commission and city council held a series of eight joint public work sessions on the comprehensive plan and supporting documents. These work sessions were held from November 2007 to September 2008, on the following dates: 11/13/07 - 11/21/07 - 12/5/07 - 12/12/07 - 2/20/08 - 3/5/08 - 4/6/08 - 9/17/08.

Public Hearing Process

The planning commission considered public testimony regarding each of the documents cited above at 19 public planning commission hearings. Each was publicly noticed and opportunity for public comments was provided. These hearings were held on the following dates: 10/14/08 - 10/28/08 - 11/5/08 - 11/18/08 - 12/2/08 - 12/9/08 - 4/7/09 - 4/14/09 - 4/28/09 - 5/12/09 - 5/28/09 - 6/16/09 - 7/7/09 - 7/9/09 - 7/14/09 - 7/16/09 - 8/11/09 - 9/1/09 - 9/2/09.

After the planning commission public hearing process, the City Council held nine separate public hearings on the documents between October 2009 and February 2010. These hearings

occurred on the following dates: 10/14/09 - 10/21/09 - 10/28/09 - 11/4/09 - 11/18/09 - 12/2/09 - 12/9/09 - 1/20/10 - 2/10/10.

Agency Coordination

Notice of adoption of the comprehensive plan, downtown plan, park plan and development code was provided to the Department of Land Conservation and Development on August 15, 2008, and DLCDC submitted a letter stating official acknowledgement of the submittal on October 30, 2008.

Coordination with Clackamas County staff was extensive. Please see discussion under Goal 2. The record shows that City staff has communicated with the Oregon Department of Land Conservation and Development (DLCDC) and Transportation (ODOT) on a regular basis during the course of the 2010 comprehensive plan update. As documented in the record, these meetings and correspondence from these agencies resulted in substantial amendments to the relevant background studies, the comprehensive plan, and development code.

Staff Availability

City staff was responsive to requests for information and to comments from citizens, property owners and businesses. The Planning Director and City Manager held hundreds of meetings with individual citizens, property owners and state agency staff over the last 5 years. Although not everyone was satisfied with the results of these meetings, all had multiple opportunities to interact by telephone, in writing, or in person with responsible staff at the city.

Goal 1 Conclusion

Molalla's public involvement process exceeded Goal 1 requirements. There were a total of 177 publicly noticed work sessions and public hearings on the comprehensive plan, background documents, and implementing plans and land use regulations. Citizens and agency representatives had access to draft documents – either by visiting the planning department or going online. Citizen and agency comments were considered and accommodated in the plan wherever possible, consistent with applicable statewide planning goals and the broader public good as viewed by the City Council.

Goal 2: Land Use Planning Process

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions

1. Inter-Jurisdictional Plan Consistency

Molalla has coordinated extensively with Clackamas County and affected state agencies in the plan development and adoption process. There were four primary coordination issues: (a) co-adoption of a coordinated 20-year population projection for the Molalla urban area; (b) co-adoption of the Molalla Comprehensive Plan as it applies outside the Molalla city limits; (c) co-adoption of an urban reserve boundary; and (d) co-adoption of interim development standards to limit development on rural residential land outside the UGB.

It is anticipated that the first issue – that of a coordinated 20-year population projection – will be addressed when the City moves forward with a UGB amendment in 2010-11. The City will be working with Clackamas County staff, appointed and elected officials over the coming months towards co-adoption of items b-d.

2. Adequate Factual Base and Consideration of Alternatives

The comprehensive plan is supported by several background studies that provide the factual basis and alternatives analysis required by Goal 2. Each of these background studies has been amended prior to adoption by the City Council to consider and accommodate comments from citizens, Clackamas County or affected state agencies.

- *Molalla Economic Profile* (E. Hovee, 2004)
- *City of Molalla Residential Land Needs Report* (Winterbrook Planning, 2009)
- *Buildable Lands Inventory Methods and Maps for Molalla UGB and URA* (Winterbrook Planning and the City of Molalla, 2007)
- *Urban Reserve Findings* (Winterbrook Planning, 2010)
- *Downtown & OR 211 Streetscape Plan* (Cogan Owens Cogan, 2008)
- *Molalla Downtown Master Plan* (Cogan Owens Cogan, 2009)
- *City of Molalla Historical Resources Inventory* (Projected 2010)
- *Molalla Local Wetlands Inventory* (Pacific Habitat Services, 2004)
- *Capital Improvements Plan Summary Findings and Recommendations* (City of Molalla, 1999 - 2004)

3. Availability of Plans and Implementation Measures

All background documents and each of the seven drafts of the comprehensive plan and development code were available to the public at city hall and on the city's webpage. City staff also made themselves available to meet with citizens and state agencies, and respond to their questions, upon request.

4. Adoption and Review by the City Council

The City Council (will have / has) adopted the comprehensive plan, the downtown plan, the park plan and the development code by ordinance. The adopting ordinance and the

comprehensive plan itself (page 2-4) make it clear that the supporting documents were adopted as part of the comprehensive plan and serve as the factual basis for consideration of alternatives leading up to plan adoption.

Goal 2 Conclusion

Molalla’s comprehensive plan includes a series of background studies that provide the factual basis and analysis of alternatives required by Goal 2. The comprehensive plan is implemented by a series of functional or area plans, as well as the newly-minted *Molalla Development Code*. Background studies, the comprehensive plan, functional plans and the development code have undergone extensive revisions over the last five years of public and agency involvement.

Molalla has coordinated extensively with Clackamas County staff and affected state agencies – particularly with DLCD and ODOT – in the development and modification of these planning documents. Following an extensive public involvement process, the City Council has adopted final versions of these planning documents by ordinance. Molalla complies with Goal 2.

Goal 5: Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces

Goal 5 is implemented by the “Goal 5 rule” – OAR 660, Division 023. This rule requires cities to address riparian corridors, wetlands and wildlife habitat. The rule does not require cities to prepare scenic or historic inventories.

Molalla’s Local Wetland Inventory (LWI) was completed in 2004. This inventory addresses wetlands, streams and associated fish and wildlife habitat values within the existing UGB. As part of the comprehensive plan update process, Winterbrook Planning prepared an inventory of Goal 5 resource sites in alternative urban reserve expansion areas immediately outside the existing Molalla urban growth boundary (UGB). (*Molalla Natural Resources Report*, Winterbrook 2008) This inventory describes and maps riparian corridors, wetlands and associated wildlife habitat.

Molalla also adopted plan policies and land use regulations to protect inventoried riparian corridors and wetlands in a manner similar to the “safe harbor” provisions of OAR 660-023-0090 (riparian corridors) and -0100 (wetlands). In accordance with OAR 660-023-0070, riparian corridors and wetlands protected through the Goal 5 process are removed from the city’s buildable lands inventory (BLI).

Molalla is committed to a goal of creating an inventory and preserving historically significant sites and structures within the Molalla UGB. This *Historical Resources Inventory* is expected to be completed in 2010.

ESEE Analysis

The draft comprehensive plan calls for protecting riparian corridors and wetlands in a manner “similar to” Goal 5 safe harbor provisions. Generally, these safe harbors require protection of:

- Locally significant wetlands that are separate from riparian corridors to the delineated wetland edge.
- Riparian corridors, including wetlands next to a stream, for a distance of 50 feet from the top to stream bank or edge of associated wetland.

Molalla proposes to vary from this safe harbor in two ways:

1. **Isolated wetlands** may be modified in accordance with the strict environmental impact criteria found in Section 18.7.150.C, where “necessary to accommodate reasonable development of a property.”
2. **The 50-foot streambank setback** may be modified in accordance with the strict environmental impact criteria found in Section 18.7.150.D provided that the average setback remains 50 feet or more *and* the setback is not reduced below 25 feet.

Economic Consequences

The economic consequences of these minor adjustments to the safe harbor provisions of Goal 5 are generally positive. The modifications provide greater flexibility in the application of protection standards to isolated wetlands and riparian corridors, thereby increasing the usable area of private and public property. This will have a positive economic impact.

It is recognized that protecting wetlands and stream corridors have positive economic consequences – in terms of their flood storage capacity and positive effect on land values for adjoining properties. However, the avoidance and mitigation requirements of the aforementioned code requirements will minimize any potential adverse economic impacts resulting from impacts to isolated wetland or altered riparian corridors.

Environmental Consequences

The environmental consequences are mixed. While the safe harbor provisions do not allow any reduction in isolated wetland area or riparian corridor setbacks, the more moderate approach taken by the city *only* allows such modifications after an exhaustive environmental review and with appropriate and effective mitigation. Therefore, it is unlikely that there will be severe adverse economic consequences resulting from application of the city’s more moderate and flexible standards.

For example, a setback reduction must include removal of invasive plant species from the protected setback area, and replacement with native species. There are several similar provisions that would likely result in increased environmental protection within the modified riparian setback area.

Social Consequences

Wetlands and stream corridors provide protected urban open spaces which have positive social values to those living near, travelling through, or working in the vicinity of these important natural features. The city's more flexible process takes these social consequences into account. For example, to modify an isolated wetland, the approval authority must find that "The benefit to the public from the proposed use clearly outweighs the public good from retaining the wetland area" and that the wetland is integrated into the overall project design. Reduction of stream setbacks cannot reduce the average setback below 50 feet – while maintaining a minimum 25-foot setback area. This provision could allow people to interact on a more intimate basis with the natural feature – while preserving its overall functions and values.

On balance, the social consequences of the city's approach do not have serious adverse social consequences and would likely have social benefits.

Energy Consequences

The energy consequences of the city's approach are minimal. Trees associated with wetland and streams provide positive energy impacts by reducing heat island in urban areas and mitigating the adverse affects of sun and wind on energy for home heating. The decision criteria and mitigation requirements for isolated wetlands and riparian corridors ensure that major reductions in native vegetation will not occur. Therefore, it is unlikely that the energy conservation benefits of riparian corridors and wetlands will be adversely impacted.

ESEE Conclusion

The relatively minor variations from the safe harbor provisions of Goal 5 are minimal in terms of the ESEE consequences. Economic consequences are generally positive, with few if any major adverse environmental, social and energy consequences.

3. Plan Policies

The comprehensive plan includes policies to protect inventoried stream corridors and wetlands. These policies as they applied to water resources are supported by the ESEE analysis above.

- Goal 5 Water Resources Policies 1-8; and
- Goal 5 Historic Resource Policies 1-14.

4. Development Code Provisions

The Molalla Development Code provisions implementing the comprehensive plan policies referenced above are found in Section 18.7.100 related to “Sensitive Lands.”

Goal 5 Conclusion

Molalla’s protection of historic resources and significant water resources complies with Goal 5.

Goal 6: Air, Land and Water Resources Quality

To maintain and improve the quality of the air, water and land resources of the state

Goal 6 requires cities and counties to adopt policies to coordinate with the Oregon Department of Environmental Quality (DEQ) to ensure that air, land and water quality resources are not degraded.

The comprehensive plan includes such coordination policies: Goal 6 Policies 1-15.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards

Molalla has inventoried its natural hazards as required by Goal 7. There are two categories of natural hazards affecting land within the Molalla UGB and the proposed urban reserve area:

- Flood hazards
- Landslide and erosion hazards

Flood Hazards

The comprehensive plan includes policies to ensure that development within the floodplain meets FEMA (Federal Emergency Management Agency) location and construction requirements (*Molalla Comprehensive Plan*, Goal 7 Natural Hazards). These policies are implemented by several chapters in the development code. Although limited development may be permitted within the 100-year floodplain under local regulations:

Landslide Hazards

The comprehensive plan includes policies to ensure that development on slopes of 25% or greater is controlled to minimize landslide and erosion hazards (*Molalla Comprehensive Plan*,

Goal 7 Natural Hazards). These policies are implemented by several sections of the development code.

Goal 7 Conclusion

Molalla has effect provisions to limit development on steep slopes and within floodplains as required by Goal 7.

Goal 8: Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors

To address long-term park and recreational needs in the community, the city of Mollala has adopted *The Molalla Park and Recreation Master Plan*. This plan includes an inventory of existing facilities, recreational goals and policies, and future park and recreational facilities needs. The park plan identifies a target ratio of 10 park acres per 1,000 population. This ratio was used to determine long-term park land needs in the community.

Goal 9: Economy of the State

To provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens

Goal 9 is implemented by the Goal 9 rule (OAR Chapter 660, Division 009). This rule requires that each city:

- Consider national, state and local trends to identify comparative economic advantages;
- Adopt economic development goals and policies as part of the comprehensive plan;
- Determine how much and what kind of land will be need to meet the site requirements of targeted employment opportunities;
- Designate sufficient “suitable” land to meet locally-identified employment goals; and
- Limit incompatible uses near designated employment sites.

Background Studies

Molalla has prepared the following economic studies pursuant to Goal 9 requirements:

- *Molalla Economic Profile* (Hovee, 2004)
- *2009 Employment Land Needs Analysis* (Winterbrook, 2009)

Economic Policies

The comprehensive plan includes a coherent economic development strategy, based on the *Economic Profile* and the *Employment Land Needs Analysis*, as well as extensive feedback from the public and City officials. The strategy is implemented through the following policies:

- Goal 9 Economic Development Policies 1-26;
- Downtown Development Policies 1-12;
- Community Planning Area Policies 1-8;
- Commercial Development Policies 1-21; and
- Industrial Development Policies 1-26.

Development Code

The development code implements this strategy with the following employment zones:

- Central Business District (C-1);
- General Commercial (C-2);
- Light Industrial (M-1);
- Heavy Industrial (M-2);
- Highway Commercial Overlay (HC);
- Support Commercial Overlay (SC); and
- Employment Zone Overlay (EZ).

These zones are specifically designed to address transitional uses to ensure compatibility with targeted employment uses.

Goal 9 Conclusion

The City's has reviewed economic trends and projected employment needs as required by Goal 9. The City's comprehensive plan provides a clear economic development strategy that is implemented by a series of employment zones. Molalla's comprehensive plan and development code amendments comply with Goal 9.

Goal 10: Housing

To provide for the housing needs of citizens of the state

Goal 10 requires that cities designate sufficient buildable land – under clear and objective approval standards – to meet identified housing needs by type and density.

Background

Molalla has conducted a “housing needs analysis” (HNA) to determine the amount of land that will be needed during the 20-year planning period for the UGB, and the 50-year planning period for the urban reserve. (Winterbrook, 2009) In part because of disparaging comments from DLCD regarding the results of the HNA (DLCD Letter, March 19, 2009), the city decided to rely on housing type and density “safe harbors” found in OAR 660-024, Table 1. The density safe harbor is, according to the rule “conservative”.

The safe harbor assumptions permitted by this rule resulted in slightly lower densities than originally projected in the city’s HNA. The density safe harbor for purposes of determining long-term land need, for a community with a growth projection below 25,000, is 7 units per net buildable acre. This density “safe harbor” was used to project, conservatively, 20-year and 50-year residential land needs in Molalla.

Prior to expanding the Molalla UGB to meet identified needs, the city will show that its residential buildable land supply is appropriately zoned – under clear and objective approval standards – to allow (a) at least 9 units per net buildable acre of residential land, and (b) with an overall density floor (minimum density) of 5 units per net buildable acre or greater. The city will also show that its zoned its buildable land supply to allow – under clear and objective standards – at least 20% of its future new housing units to be multifamily in high density residential zones, and 25% of its new housing units to be multifamily, attached or manufactured homes in parks in its medium density residential zones.

Comprehensive Plan Policies

The comprehensive plan includes policies and measures to necessary to meet the city’s housing affordability obligations under Goal 10. These policies are described in the Comprehensive Plan’s Goal 10 Housing Policies (1-25). Single-family, multi-family, and mixed-use measures are found in the Comprehensive Plan Goal 10 Zoning and Implementation section.

The plan includes three primary residential plan designations: Low, High and Medium Density Residential.

- The **Low Density Residential** designation is implemented by the R-1 zoning district, which allows up to 8 dwelling units (du) per net buildable acre (nba), with a minimum density of 4 du/nba. Detached single family and duplexes are permitted outright under clear and objective standards.
- The **Medium Density Residential** designation is implemented by the R-2 zoning district, which allows up to 12 dwelling units du/nba, with a minimum density of 6 du/nba.

Detached and attached single family, duplexes and manufactured dwelling parks are permitted outright under clear and objective standards.

- The **Medium-High Density Residential** designation is implemented by the R-3 zoning district and, in defined areas by the HDR overlay district. The R-3 zone allows up to 24 du/nba with a minimum density of 12 du/nba. The HDR overlay zone allows up to 34 du/nba with a minimum density of 20 du/nba. Detached and attached single family, duplexes, and multifamily dwellings are permitted outright under clear and objective standards.

Mixed Use and Historic Zones

The development code includes mixed use zones that carry out these policies by allowing housing through the redevelopment process in the Historic (R-5) and Community Planning Area (CPA) districts. The R-3 zone allows up to 24 dwelling units (du) per net buildable acre (nba), with a minimum density of 12 du/nba.

Goal 10 Conclusion

Molalla has revised its comprehensive plan and development code to allow a wider range of housing types – at higher densities – within its residential and mixed use zones. Prior to proposing a UGB amendment, Molalla will demonstrate that it has allocated buildable residential land in a manner that meets Division 024 safe harbor provisions related to housing type and density.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development

Goal 11 requires cities to prepare “public facilities plans” (PFPs) that identify the timing, location and funding sources of sanitary sewer, water, storm drainage and transportation projects necessary to serve projected population and employment growth during the 20-year planning period. Goal 11 is implemented by the Goal 11 Rule (OAR 660, Division 011).

When considering alternative locations for UGB expansion or placement of urban reserves, cities are required to identify major public facilities projects necessary to serve each area under consideration, and to consider the cost implications of providing urban services to these areas. Molalla is *not* considering UGB expansion at this time.

Comprehensive Plan

The comprehensive plan includes a discussion of sanitary sewer, water, storm drainage and transportation facilities necessary to support planned growth inside the UGB. (*Molalla Comprehensive Plan*, Goal 11) The city recognizes that the PFP will need to be updated prior to expanding the UGB.

As noted in the findings supporting establishment of the Molalla urban reserve, the city has identified major public works projects necessary to serve the proposed urban reserve area and their relative costs. (*Molalla Urban Reserve Findings*, Consideration of Goal 14 Location Factors).

Development Code

The development code includes specific standards to ensure that new development is supported by an adequate level of public facilities and services as called for in the comprehensive plan and by Goal 11 (*Molalla Comprehensive Plan*, Goal 11 Policies). Title 18 – Community Design Standards – includes objective standards that ensure the timely and efficient provision of sanitary sewer, water, storm drainage and transportation facilities and services to new development, as required by Goal 11.

Goal 11 Conclusion

The Molalla Comprehensive Plan and Development Code ensure that an adequate level of public facilities and services is provided to new development within the Molalla UGB.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system

Goal 12 is implemented by the Transportation Planning Rule (aka the “TPR” or OAR Chapter 660, Division 012). Goal 12 and the TPR require that each city prepare and adopt a Transportation System Plan (TSP) to provide for all modes of transportation. The TSP must describe the timing, location, cost and funding mechanisms for transportation projects necessary to serve planned land uses within the UGB.

The Molalla TSP (Kittelton, 2001) is designed to address transportation impacts through the year 2020. Following the anticipated expansion of the UGB, the TSP will need to be amended to address planned growth through at least the year 2030. The city recognizes that land within the expanded UGB cannot be zoned for urban uses until the updated TSP has been adopted by the city and county and acknowledged by the Land Conservation and Development Commission.

Coordination with ODOT

Throughout the entire planning process the City and ODOT have maintained a constant dialogue. During the months of May 2008 through August 2008 staff worked with ODOT representative Sonya Kazen on multiple occasions to address concerns from ODOT. These concerns were addressed due to the numerous interactions city staff and ODOT representative Sonya Kazen was able to have.

Comprehensive Plan Policies

The comprehensive plan includes new transportation policies. The following policies were incorporated into the plan after extensive coordination with, and support from, Sonya Kazen of the Oregon Department of Transportation.

- Goal 12 Streets and Roads Policies 1-39;
- Goal 12 Railroads Policies 1-3; and
- Goal 12 Public Transportation Policies 1-9.

Molalla anticipates extensive amendments to its TSP to account for planned urban development through the 20-year planning horizon.

Development Code Provisions

The development code specifies when transportation impact studies must be conducted to address land use impacts. (Sections 18.1.200 and 19.1.910) These sections address Transportation Planning Rule Section 060 “significant impacts” as required by the TPR.

Goal 12 Conclusion

Molalla has coordinated extensively with ODOT in amending its comprehensive plan and development code to ensure Goal 12 compliance. Molalla is committed to amending its TSP to account for planned development over the next 20 years.

Goal 13: Energy Conservation

To conserve energy ... Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles

This goal does not have an implementing administrative rule. Energy conservation is addressed primarily by Goal 14: Urbanization, which requires a compact urban growth form; and by Goal 12: Transportation, which requires that cities develop transportation systems that conserve energy.

The comprehensive plan addresses energy conservation through over 20 energy conservation policies (*Molalla Comprehensive Plan*, Goal 13, Energy Conservation Policies).

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities

Goal 14 requires that cities establish and maintain urban growth boundaries to accommodate 20-year land needs. UGBs are adopted by both the city and the county and separate urban from rural lands. Goal 14 requires cities and counties to coordinate the efforts to ensure that land is used efficiently within UGBs.

Comprehensive Plan

Molalla has not amended its UGB since it was adopted as part of the comprehensive plan in 1981. The comprehensive plan now includes an urban reserve that is intended to allow the city to plan for public facilities necessary to serve an estimated population of 24,829 in the year 2060. Please see Winterbrook's urban reserve findings for more details.

The comprehensive plan includes policies to manage growth within the Molalla UGB. (*Molalla Comprehensive Plan*, Goal 14, Molalla Urban Growth Management Policies). Connection to city services is required to allow urban development within the UGB; annexation to the city is required for public facilities and services to be extended to serve unincorporated land within the UGB.

Urban Growth Management Agreement

Clackamas County has applied its Future Urban – 10 holding zone to ensure that urban development does not occur prior to annexation to the City.

Goal 14 Conclusion

Molalla has policies and development standards to ensure the efficient use of land within its existing UGB. With only 70 buildable residential acres remaining in the existing UGB, Molalla anticipates a substantial UGB amendment in 2010-11. Any UGB amendment proposal will be consistent with OAR Chapter 660, Division 024, Urban Growth Boundaries.

Overall Conclusion

Molalla has worked for over the last seven years to completely overhaul its 30 year-old comprehensive plan and land use regulations. These amendments have a solid factual base and considered a wide range of alternatives. The city has worked closely with DLCD, ODOT and Clackamas County staff to consider and accommodate the needs of these important partners.

As documented in these findings, the comprehensive plan and development code are responsive to and consistent with applicable statewide planning goals.

TITLE 16 – INTRODUCTION

CHAPTERS:

- 16.1 HOW TO USE THE DEVELOPMENT CODE
- 16.2 GENERAL ADMINISTRATION
- 16.3 DEFINITIONS AND ACRONYMS
- 16.4 USE CATEGORIES
- 16.5 HEARING BODIES AND THEIR DUTIES
- 16.6 ENFORCEMENT

HOW TO USE THE DEVELOPMENT CODE

The Molalla Development Code is a comprehensive land use and development code that governs all of the land within the incorporated limits of Molalla. The 5 titles of the code are used together to review land use applications. They are organized as follows:

Title 16: In addition to this brief introduction, Title 16 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of the code. It also explains the city authority to enforce its Development Code.

Title 17: Every parcel, lot, and tract of land within the city’s incorporated boundaries is also within a “land use district”. (Land use districts are shown on the city’s official zoning map.) Title 17 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e. g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or “land use districts” conform to the City of Molalla’s Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Title 18: The design standards contained in Title 18 apply throughout the city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Title 19: Title 19 provides all of the application requirements and procedures for obtaining permits required by this code. 4 types of permit procedures are covered: Type I (non-discretionary, “ministerial” decision); Type II (discretionary, “administrative” decision); Type III (“quasi-judicial” decision with public hearing); and Type IV (“legislative” decisions).

Title 20: Title 20 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city’s varied geography, and complexities of land development, require flexibility. Title 20 provides that flexibility, while maintaining the purposes and intent of the code.

CHAPTER 16.2 – GENERAL ADMINISTRATION

SECTIONS:

16.2.100	SEVERABILITY
16.2.200	COMPLIANCE AND SCOPE
16.2.300	CONSISTENCY WITH PLAN AND LAWS
16.2.400	USE OF A DEVELOPMENT
16.2.500	CONFORMITY OF PERMITS
16.2.600	BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY
16.2.700	OFFICIAL ACTION

16.2.100 SEVERABILITY

The provisions of this Development Code are hereby severable. If any section, sentence, clause or phrase of the Development Code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

16.2.200 COMPLIANCE & SCOPE

- A. Compliance with the provisions in the Development Code:** Land and structures may be used or developed only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the 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. Most restrictive regulations apply:** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances:** Variances shall be governed by the provisions of Chapter 20.1.
- E. Transfer of development standards prohibited:** No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.

16.2.300 CONSISTENCY WITH PLAN AND LAWS

This Development Code is designed to implement the City of Molalla’s Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

16.2.400 USE OF A DEVELOPMENT

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 18, and is not prohibited by law.

16.2.500 CONFORMITY OF PERMITS

The City shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Molalla Development Code Titles 16 through 20 and Title 22, and any permit approvals previously issued by the City. This provision shall not apply to permits, certificates, or other approval sought in order to correct violations of the provisions the Molalla Development Code Titles 16 through 20 and Title 22.

- A. Legality of pre-existing approvals:** Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 19.6 Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications:** All developments and uses begun on or after March 2010 shall conform to the provisions of this Code.

16.2.600 Building Permit and Certificate of Occupancy

- A. Building permit:** A building permit shall not be issued until the Planning Director has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 19.2, or has otherwise found that such review is not required.
- B. Certificate of occupancy required:** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Building Official and Planning Director has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.
- C. Prior to final completion:** Prior to the final completion of all work, the Building Official and Planning Director, at his or her discretion, may issue a temporary certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

16.2.700 OFFICIAL ACTION

- A. Official Action:** The Planning Director and his or her designee are vested with authority to issue permits or grant approvals in conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.

- B. Notice:** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

CHAPTER 16.3 - DEFINITIONS

SECTIONS:

16.3.100	PURPOSE
16.3.200	APPLICABILITY
16.3.300	DEFINITIONS
16.3.400	ACRONYM

16.3.100 PURPOSE

The purpose of Chapter 16.3 is to define terms that are used frequently in the City of Molalla's Development Code, to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

16.3.200 APPLICABILITY

- A. Definitions:** The definitions in Chapter 16.3 apply to all actions and interpretations under the City of Molalla's Development Code. The meanings given 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. Where a term used in this Code is already defined in another part of the Molalla Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. 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 considered a standard reference.
- B. Land Use Categories:** Chapter 16.4 provides descriptions of the land use categories used in Title 17.

16.3.300 DEFINITIONS

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (e. g., Transportation-Related, Environment-Related, etc.). See also, Chapter 16.4 for descriptions of the land use categories used in Title 17.

ABUTTING: Contiguous or adjoining. Parcels, lots and tracts of land, projects, and expansions of existing uses are considered contiguous regardless of interruptions by streets, alleys, public easements or rights-of-way provided that parcels, lots or tracts would otherwise abut. It shall include the terms adjacent, adjoining and contiguous.

ACCENT: An area covering no more than 10% of a building's surface area visible to the public.

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

ACCESS EASEMENT: An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. **Cross access** is a service drive 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:

- Standards such a minimum spacing of driveways and onsite vehicle storage requirements.
- Mitigations related to site conditions such as a right-of-way out only approaches, and
- Provisions for future opportunities for mitigation by land dedication or easement.

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 or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (*i.e.*, with a public access easement).

ACCESSIBLE: Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, under 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. See Accessible Route.

ACCESSIBLE ROUTE: A route that can be used by a disabled person using a wheelchair that is also usable by people with other disabilities.

ACCESSORY: Secondary or incidental to a primary use or structure.

ACCESSORY DWELLING: See Residential Types.

ACCESSORY PARKING FACILITY: A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 16.4, Descriptions of Use Categories.

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, 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 Structure.

ACRE: 43,560 square feet

ADEQUATE FACILITIES: Those major and minor facilities, the nature, capacity and location of which are specifically designated in an adopted master plan or CIP (Capital Improvement Plan) or, in the absence of such designation, those major and minor public facilities designed and constructed according to all applicable provisions of this code and the standards and specifications on file in the office of the Director of Public Works.

ADJACENT: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from another parcel shall be considered “adjacent.”

ADJUSTMENT: A modification, reduction, or addition(s) to a code standard but not including a variance.

ADMINISTRATIVE: A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

ADULT FOSTER CARE: A family home or facility in which 24 hour residential care is provided for 5 or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home. See also, “Group Home/Facility.”

ALLEY: See Streets.

ALTERATION: A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- 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: The party or parties who submit an application for approval under Title 16 through 20 and Title 22 of the Molalla Development Code.

APPLICATION: Any request for approval of a permit or a legislative amendment to the City’s land use regulations, Comprehensive Plan or related maps.

APPROVED DISCHARGE POINT: A gutter, ditch, or receptacle approved by the Director of Public Works for the removal of storm water.

ARBORIST: A professional listed as a certified arborist or a registered consulting arborist.

ARCHITECTURAL ELEMENT: Part of a building’s fabric, structures and associated services, such as a window.

ARCHITECTURAL FEATURE: A prominent or significant part or element of a building structure or site.

ARCHITECTURAL STYLE: The characteristics, form, and detail, as of building of a particular historic period.

AREA FACILITY: A public facility which provides service to an entire area, including, but not limited to, a water reservoir, a water or sewer pump station, a sewer force main, a park or a regional storm water detention facility.

ARTERIAL: See Streets.

ATHLETIC SCOREBOARDS: A large, usually rectangular board in a ballpark, sports arena, or the like, that shows the score of a game or contest.

ATTACHED HOUSE (TOWNHOUSE OR ROWHOUSE): See Residential Structure Types.

ATTACHED STRUCTURE: Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an “I” beam or similar connections are not considered attached.

AUTOMOBILE SERVICE STATION: Any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and for sale of accessories as a secondary service for automobiles at retail direct to the customer.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles, or the storage, sale of dismantled partially dismantled, obsolete or wrecked vehicles for their parts.

AWNING: A sloped projection made of canvas or other non-rigid material, stretched over a frame and extended over a doorway or window. The awning is supported entirely from the exterior wall of the building and provides protection from the weather.

B

BACKFILL: The replacement of removed earth to its original grade.

BARRIER: A fence, wall, or building, wall or combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

BARS/TAVERNS: A place where liquors are sold to be consumed on the premises.

BASEMENT: The portion of a building between a floor with its level 2 feet or more below the finished grade and the ceiling above said floor.

BED & BREAKFAST INN: Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:

- (a) Has more than 2 rooms for rent on a daily basis to the public; and
- (b) Offers a breakfast meal as part of the cost of the room.

BERM: A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

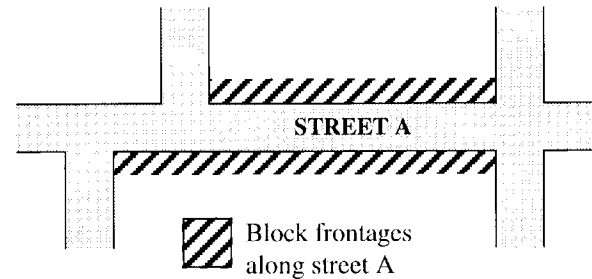
BIKEWAY: See Transportation-Related definitions.

BICYCLE FACILITY: There are different types of bicycle facilities: In general, a bicycle facility a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

BLOCK: Properties abutting one side of a street:

- Between 2 cross streets
- Between the City limits and the nearest cross street
- When there is only one cross street
 - Between a cross street and the dead end of a street.
 - Between a cross street and a line projected from the centerline of an intersecting street, such as a “T” intersection.

BLOCK 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.



BOARDING, LODGING OR ROOMING

HOUSE: A residential type building or portion thereof, other than a hotel or motel, used to provide lodging for compensation, with or without meals, for not less than 4 nor more than 10 people, not including members of the owner-occupant family.

BOLLARD: One of a series of posts, which are made of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles), preventing vehicles from entering an area. Bollards may contain sidewalk or pathway lighting.

BOULEVARD: See Streets

BRACKET: Projecting support placed under eaves or other overhangs.

BREWERY: An establishment for the manufacture of malt liquors, such as beer and ale. The sale and consumption of liquors can be consumed on premises as an accessory use to the manufacturing of liquors.

BREEZEWAY: A structure for the principle purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

BUFFER AREA: The horizontal distance generally adjacent to a property line that includes vertical elements, and may include berms, plants, fences or a wall and may be occupied by screening, utilities, and landscaping materials.

BUILDING: Any structure built or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

BUILDING AREA: The total area of a building, both above and below ground, measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height above ground, for 50 percent or more of their perimeter.

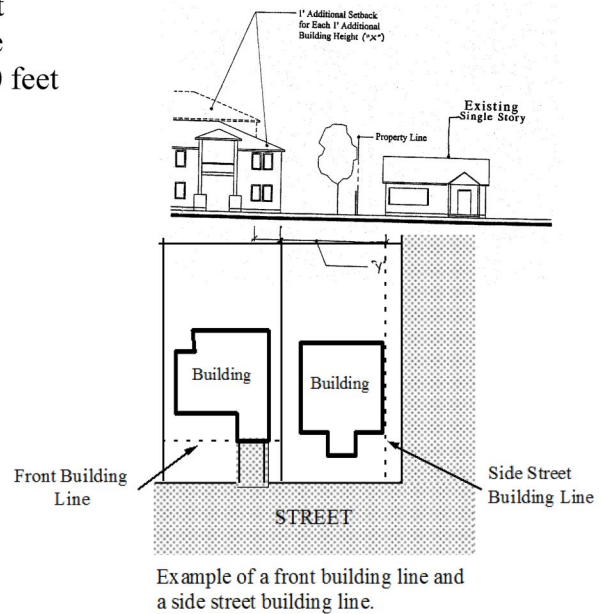
BUILDING COVERAGE: The area that is covered by buildings, and decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage.

BUILDING FOOTPRINT: The total area of the building ground floor measured from the exterior faces of the building.

BUILDING HEIGHT: The vertical distance above a reference datum measured to the highest point of a coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘1’ is more than 10 feet above the lowest grade.

BUILDING HEIGHT STEP-DOWN: A development standard that requires a transition in allowable building height, whereby the buildings in a specific land use district must “step-down” in elevation where they abut a lower-intensity land use district. See figure.



BUILDING LINE: A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See figure.

BUILDING MASS: The aggregate size of a building, or the total height, width, and depth of all its parts.

BUILDING PAD: A vacant building site on a lot with other building sites.

BUILDING SCALE: The dimensional relationship of a building and its component parts to other buildings.

BUILDING OFFICIAL: The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

BUILDING SETBACK LINE: An imaginary line established by zoning regulations or other codes regulating buildings be set back to or beyond that line which is a certain distance from lot lines or a point within the street right-of-way.

BULK PLANT: Any establishment where commodities, including both liquids and solids, are received by pipelines, car, tank, vehicle, or other container, and are stored or blended in bulk for the purposes of distribution by such transportation.

BUSH: Means a low growing and densely branched woody plant.

BUS STOP: A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

C

CAMPING: The overnight use or stay in a camping facility, but does not include recreational vehicle camping.

CAMPING FACILITY: Any establishment open to the public or any segment of the public for camping. This does not include an area allowing only isolated, occasional, or infrequent camping when the area has a primary or principle use other than a camping facility.

CANOPY: A permanent roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure.

CAPACITY: Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

CARPOOL: A group of 2 or more commuters including the driver, who share the ride to and from work, school and other destinations.

CARPORT: A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats.

CENTERLINE RADIUS: The radius of a centerline of a street right-of-way.

CERTIFICATE OF OCCUPANCY: A certificate of occupancy or a certificate of inspection issued by the City of Molalla at the completion of a building permit or change of occupancy.

CHANGE OF USE: A change from one listed use to another listed use.

CHILDCARE FACILITY: Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home. See ORS 657A for certification requirements.

CITY: The City of Molalla, Oregon.

CIVIL ENGINEER: A professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

CLEARING: Any activity that removes existing vegetation or strips surface material from any portion of the site.

CLEAR & OBJECTIVE: Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

CLINIC: A building or portion of a building containing facilities which provide medical, dental, psychiatric services (outpatients only) and veterinarian clinics.

COLLECTOR: See Street.

COLUMN: A supporting pillar, especially one consisting of a usually round shaft, a capital, and a base.

COMMERCIAL: Land use involving buying/selling of goods or services as the primary activity.

COMMERCIAL RECREATION FACILITY: A sports-oriented business containing facilities for a variety of health, recreational, or social activities. Such facilities may include sports courts, weight rooms, water sports, bowling, miniature golf, indoor or outdoor tracks, restaurants, banquet or conference rooms, childcare facilities, and other similar uses.

COMMON AREA: Land commonly owned to include open space, landscaping or recreation facilities (e. g. , typically owned by a homeowners' association).

COMMON GREEN: A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

COMMON WALL: A structural wall shared with another dwelling or use.

COMMUNITY: Group of interacting people having various interests living in a common location.

COMMUNITY PLANNING AREA: Specialized zoning dealing in mixed uses.

COMMUNITY SERVICE: Activities and uses of a public, non-profit or charitable nature generally providing a local service to people of the community on site or through employees on the site on public recreation facilities, religious institutions, corrections facilities, emergency services and similar facilities. Community services do not include schools, hospitals, or geriatric care facilities.

COMPACTION: Densification of a fill by mechanical means.

COMPREHENSIVE PLAN: The current adopted Comprehensive Plan of the City of Molalla. This plan comprised of plans, maps, reports, or any combination thereof relating to the future economic and physical growth and development or redevelopment of the City. The Comprehensive Plan serves to forecast anticipated patterns of City development.

CONDOMINIUM: See Residential Types

CONFERENCE CENTER: A building or group of buildings used by businesses, community organizations, and individuals for meetings, conferences, and special events. Conference centers may also include kitchens facilities for meal preparation.

CONSERVATION LANDMARK: A conservation Landmark may include buildings, a portion of a building, sites, trees statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.

CORNICE: An ornamental topping that crowns the structure it is on.

CORNER LOT: See Lot, Corner Lot.

CORNER RADIUS: The radius of a street corner, as measured around the curb or edge of pavement.

COUNCIL: The City Council of Molalla, Oregon.

COURT: An extent of open ground partially or completely enclosed by walls or buildings; a courtyard. A short street, especially a wide alley walled by buildings on three sides. A large open section of a building, often with a glass roof or skylight.

COURTYARD: A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

CUL-DE-SAC: See Streets

CURB CUT: A driveway opening delineated by a concrete apron along a street.

CURB LINE: The line indicating the edge of the vehicular roadway within the overall right-of-way.

CURRENT DEVELOPED AREA: That area of the Molalla Urban Area designated pursuant to the Molalla Comprehensive Plan.

D

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

DAYCARE CENTER: A facility which provides regular day care services for 6 or more persons during part of the day, with or without compensation, including nursery schools, preschools, family day care group homes or centers or similar facilities, but not including services provided by a physician or nurse, or facilities operated primarily for education or supervised training, or day care provided by a babysitter.

DEAD END STREET: See Streets

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.

DEVELOP: To construct or alter a structure or to make a physical change to the land including excavations and fills.

DEVELOPMENT: All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

DEVELOPMENT PERMIT: A permit issued by the City for a development, that complies with the requirements of the City of Molalla Development Code and the Comprehensive Plan and its supporting documents.

DEVELOPMENT PLAN: Any plan adopted by the Planning Commission for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

DEVELOPER: One who undertakes development. Such term includes owners and lessees of property to the extent that they are directly responsible for the development of that property.

DIRECTOR OF PUBLIC WORKS: The Director of Public Works for the City of Molalla.

DISABLED PERSON: For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

DISCRETIONARY: A permit action or decision that involves substantial judgment or discretion.

DRAINAGE COURSE: Land surface, ditch, or other land feature which serves as a course for the transmission of surface and storm water.

DRIVE THRU FACILITIES: Facilities allowing transactions for goods or services without leaving a motor vehicle, excluding car washes and motor vehicle service, maintenance and repair facilities also known as “drive-in” facilities.

DRIVEWAY: The edge of a driveway where it abuts a public way; usually constructed of concrete.

DRIVEWAY APPRON/APPROACH: The edge of a driveway where it abuts a public way; usually constructed of concrete.

DUPLEX: See Residential Types.

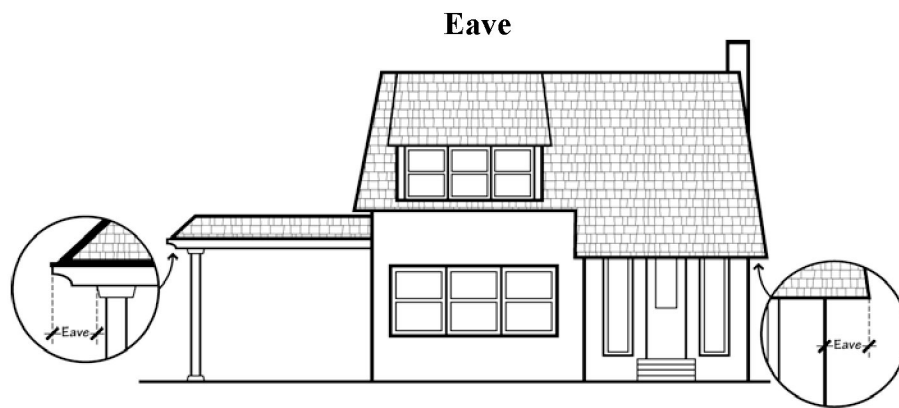
DWELLING UNIT: See Residential Types.

E

EARTH MATERIAL: Sand, rock, natural soil or fill and/or any combination thereof.

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.

EAVE: Projecting overhang at the lower border of a roof and extending from a primary wall or support. See figure below.



ELEVATION: Scaled drawing of the outside wall of a building or structure, from grade to roof ridgeline, typically specifying materials, color, and dimensions.

ENGINEERING GEOLOGIST: A geologist experienced and knowledgeable in engineering geology.

ERECT OR ERECTED: To construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establishment.

EROSION: Wearing away of the ground surface as a result of the movement of wind, water, and or ice.

ESTABLISHED GRADE: The curb line grade established by the City.

EMERGENCY SERVICE FACILITIES: Facilitates housing police, fire or ambulance services; excluding jails.

ENTRYWAY: A place of entrance.

ESTABLISHMENT: A term used to describe business activity.

EVIDENCE: Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

EXPANSION: Enlargement of an existing multi-family residential, commercial, industrial, research park or institutional use which increases the overall density and/or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels which are not contiguous are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.

EXCAVATING OR FILLING: The removal, placement, or replacement of earth, concrete, asphalt, and similar non-decomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

EXTERIOR DISPLAY: Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to

customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

EXTERIOR IMPROVEMENTS: All improvement except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It included improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land.

EXTERIOR STORAGE: Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities.

EXTERIOR WORK ACTIVITIES: Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets.

F

FAÇADE: A face or elevation of a building.

FAMILY: An individual or 2 or more individuals related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional individuals excluding servants; or a group of not more than five individuals, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit. Five or fewer handicapped persons, along with those individuals charged with caring for such persons and sharing a common dwelling unit, shall be considered a family for purposes of this title.

FAMILY DAY CARE: A family child care provider may care for a maximum of 10 children under 13 years of age, or under age 18 if a special needs child, at any one time. This includes the provider’s own children, the child care children, foster children, and any other children for whom the provider is responsible. A family child care provider shall follow OAR 414-205-0000 through 414-205-0170.

FASCIA: The exposed vertical edge of a roof. A horizontal board covering the joint between the top of a wall and the projecting eaves.

FENCE: Designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating 2 or more properties.

FILL: The deposit of earth placed by artificial means.

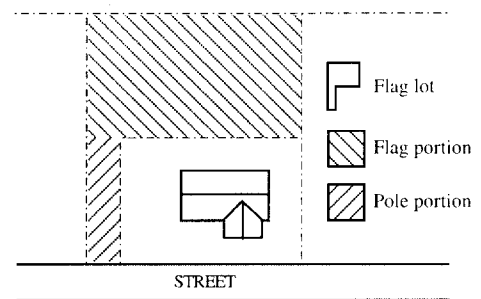
FINAL ACTION OR FINAL DECISION: The City’s final decision on a permit application to approve or deny the application and there is either no appeal to another decision maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely filed in accordance with Section 19.1.660. A decision is deemed final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

FINAL PLAT: A plat of a subdivision prepared for filing with the County, first submitted to the City for Planning Department approval, containing the elements and requirements set forth in the Molalla Development Code and applicable State law.

FINISHED GRADE (GROUND LEVEL): The average of finished levels at the center of all walls of the building unless otherwise specified.

FIRE LANE: Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area.

FLAG LOT: A lot or parcel, a portion of which has access to a public road or street via a narrow strip of land. Flag lots shall not be used to create lots that attempt to circumvent street frontage or street access requirements.



FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD AREA: Land that is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA).

FLOOR AREA: The total floor area of a building, both above and below ground with a clear ceiling height of at least 7 feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

FOOT-CANDLE: A unit of illumination (light standards), equal to one lumen per square foot, or the amount of light from a source of one candela directly thrown on a square foot of surface at a distance of one foot.

FRONTAGE: The continuous distance along one street right-of-way line of one premise, provided such street is improved for public travel.

FULLY SHIELDED LIGHT FIXTURE: A light fixture shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

G

GARAGE, PRIVATE: An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

GARAGE, PUBLIC: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

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 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

- **EXISTING GRADE:** Grade prior to grading.
- **ROUGH GRADE:** Stage at which the grade approximately conforms to the approved plan.
- **FINISH GRADE:** The final grade of the site which conforms to the approved plan.

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

GROUP LIVING STRUCTURE: See Residential Types

GUESTHOUSE: See Residential Types

GROUND COVER: Living or processed plant material (e. g. , mulch, bark chips) that is used to cover bare ground. See Chapter 18.2, Landscaping.

GROUP LIVING STRUCTURE: See Residential Home/Facility and Residential Structure Types.

H

HALF-STORY: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than 4 feet above the top floor level. A half-story containing one or more dwelling units shall be counted as a full story.

HALF STREET: See Streets

HARDSCAPE: Non-vegetative landscape materials or installations, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

HARMONY: A quality which produces an aesthetically pleasing whole as in arrangement of varied architectural landscape elements.

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; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

HISTORIC CONTEXT: The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.

HISTORIC LANDMARK: Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

HISTORIC RESOURCE: A structure or object that has historic significance. Historic Resources include:

- Historic Landmarks, including those that are listed in the National Register of Historic Places;
- Conservation Landmarks;

- Conservation Districts;
- Historic Districts, including those listed in the National Register of Historic Places;
- Structures or objects that are identified as contributing to the historic significance of a Historic District; and
- Structures or objects that are included in the Historic Resources Inventory.

HISTORIC RESOURCES INVENTORY: The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking for significance.

HISTORIC VALUE: A physical, aesthetic, scenic, educational, or other characteristics that is a reminder of important events or developments in the community's past.

HOME OCCUPATION: A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the use of the premises as a dwelling place on the site, subject to the provisions of Chapter 17.2, Residential Districts, and Section 19.9.200, Home Occupations.

HOT TUB: See swimming pool.

HOTEL: A building in which lodging is provided for 10 or more guests for compensation and no provision is made for cooking in the rooms. (See ORS 446.310.)

HOUSE: See Residential Structure Types.

HUMAN-SCALE DESIGN/DEVELOPMENT: Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e. g. , as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e. g. , awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

I

IMMEDIATE DANGER: A situation that represents a hazard to life or property.

IMPERVIOUS SURFACE: Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e. g. , non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

IMPROVED REAL PROPERTY: Property, which contains a building or other man made structure.

INCIDENTAL AND SUBORDINATE TO: Secondary to, and less apparent, than the primary use or other portion of the development.

INFILL: The development of vacant, bypassed lands located in an area that is mainly developed.

INSTITUTIONAL DEVELOPMENT: Includes all public/semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities; research institutions, correctional institutions, museums, libraries, stadiums, hospitals, auditoriums, convention or meeting halls, churches, parks, public recreational facilities, automobile parking structures, transit transfer points, park and ride facilities, and other similar facilities.

INTERESTED PERSON: Any person owning land within a specified distance from a property involved in a land use action. Interested persons also include affected private and public utilities and public agencies as well as citizens who have requested notice of such decisions.

INTERIOR LOT LINE: Any property lines that are not street lot lines.

INTERIOR YARD: A yard lying between the nearest points of a building and the interior lot line and measured at right angles to the interior lot line.

J

JUNK YARD:

- 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.
- Any establishment or place of business on which 5 or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile grave yards, garbage dumps, and scrap metal processing facilities.

K

KENNEL: Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. 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 19.3.

LAND SURVEYOR: A person who determines the metes and bounds of a parcel of land.

LANDING (STAIRS): A level part of a staircase, usually at the end of a flight of stairs. See also, Transportation-Related definitions for Airport Landing.

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, topsoil, and re-vegetation or the preservation, protection and replacement of trees. Mulch may be used only as a temporary groundcover at the time of planting.

LAND USE: The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 16.4, Use Categories.

LAND USE APPROVAL: A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

LAND USE DISTRICT: As used in this code, a land use district is the same as a zoning district.

LAND USE REVIEW: An application for land use approval under Section 19.2.200(A), or the review of such application.

LEASE: A contract a person enters into for rent, real estate, equipment, or facilities for a specific time and specific cost.

LEVEL OF SERVICE (“LOS”): A quantitative standard for transportation facilities describing operational conditions. Level of service may be described for intersections (signalized or un-signalized) or street segments (between signalized intersections).

LIGHTING:

- **DIRECT LIGHTING:** Lighting in which most of the light is cast directly from the fixture or source to the illuminated area.
- **INDIRECT LIGHTING:** Reflected or diffused light, used especially in interiors to avoid glare or shadows.

LIVING AREA: The habitable floor area of a residential structure conforming to applicable building codes; typically does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

LEGISLATIVE ACTION: 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 19.1.500, Type IV Review.

LIGHT INDUSTRIAL: See Chapter 16.4, Use Categories.

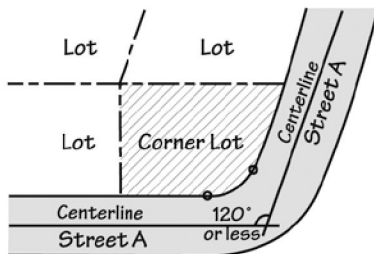
LOCAL IMPROVEMENT DISTRICT (LID): A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

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 18.3, Parking and Loading.

LONGEST STREET-FACING WALL: The longest wall that faces a street. If 2 or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Chapter 17.3.150, Building Orientation in Commercial Districts.

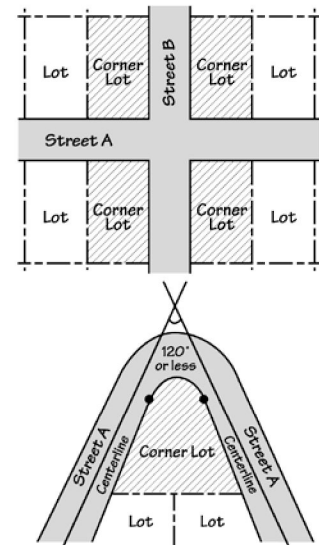
LOT: A parcel of land under single ownership that is used or capable of being used under the regulations of this title, including both the building site and all required yards and open spaces. A “lot” is not the same as a “lot of record,” which refers to land designated as a separate and distinct lot on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the City (County).

- **AREA:** The area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extension of the lot lines.



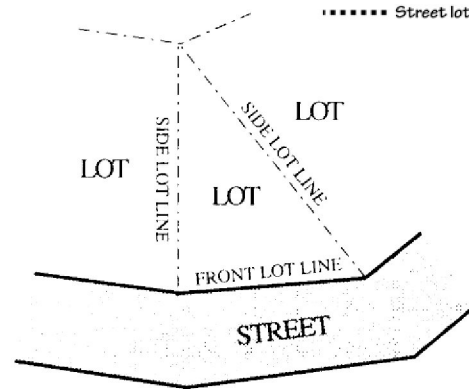
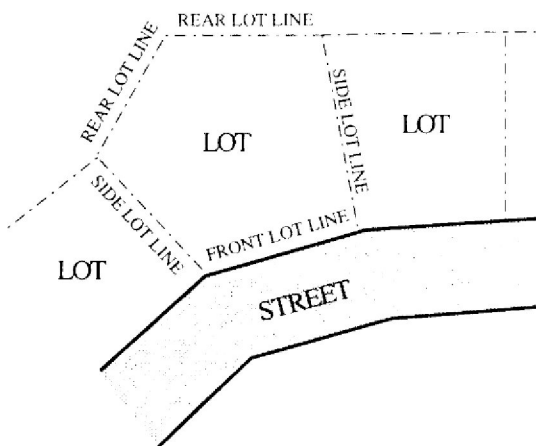
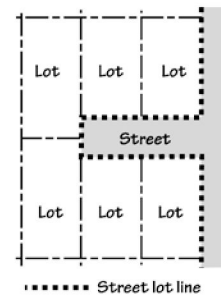
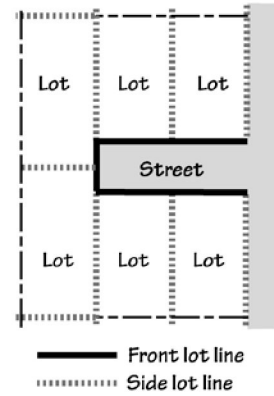
- **CORNER:** A lot having 2 or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction, which they take at their intersections with the side lot lines forms an angle of

135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line. See examples below:



- **COVERAGE:** The portion of a lot that is occupied by the principle and accessory buildings, including all projections except eaves, expressed as a percentage of the total lot area.
- **DEPTH:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- **INTERIOR LOT:** A lot other than a corner lot.
- **LINE:** The property line bounding a lot.

- **LINE, FRONT:** In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
- **LINE, REAR:** A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lots, a line 10 feet in length within the lot parallel to and at maximum distance from the front lot line.
- **LINE, SIDE:** 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.
- **WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- **THROUGH LOT:** A lot that has frontage on two parallel or approximately parallel streets.
- **LINE, STREET:** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines. See figures below.



Lot Lines on Irregular Lots

LOT OF RECORD: A lawfully created lot or parcel established by plat, deed, or contract and recorded in the Clackamas County property records.

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. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

MAJOR RETAIL USE: A retail operation with 40,000 square feet or more of gross leasable area per building or business.

MANUFACTURED HOME: A structure constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, constructed after June 15, 1976, constructed and permanently installed after transport.

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/MOBILE HOME PARK: Any place where 4 or more manufactured dwellings 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 no more than one manufactured dwelling per lot. See also, ORS Chapter 446.

MASTER PLAN: A development plan for a project to be built in 2 or more phases or where a future extension is likely and such request is required by the City. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or right-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities. May provide the basis for a Concept Development Plan in Development Review.

MECHANICAL HARDWARE AND EQUIPMENT: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MINISTERIAL: A routine administrative action or decision that involves little or no discretion.

MITIGATION: To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e. g. , improvements to a street may be required to mitigate for transportation impacts resulting from development.)

MIXED-USE: The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

MOBILE/Modular HOME: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and 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. For the purposes of this chapter and as used in the MDC, a manufactured home is not a mobile home.

MOTEL: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for overnight or other short-term rental.

N

NATURAL HAZARD: Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and flood plains.

NATURAL MATERIALS: Wood, stone, brick and rock or any combination thereof.

NEARBY: When used in connection with bicycle and pedestrian access, “nearby” means uses within one half mile distance of such access which can reasonably be expected to be used by pedestrians.

NEIGHBORHOOD: A residential area usually having distinguishing character or geography.

NEIGHBORHOOD ACTIVITY CENTER: Neighborhood activity centers include, but are not limited to, existing or planned parks, schools, shopping areas, employment centers, transit stops, recreational centers, theaters, museums, and other pedestrian oriented land uses that attract or are capable of attracting a significant level of daily pedestrian usage.

NET BUILDABLE ACRE: One acre of developable land. Net acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of “undevelopable” land. Net acreage equals the gross square footage of a site minus undevelopable land divided by 43,560. Undevelopable land is defined as, and limited to, that which is:

- Required for dedications of public rights-of-way and easements, and for internal streets required for fire access.
- Required storm water treatment and detention facilities.
- Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways.

- Required set-asides for and setbacks from wetlands and drainage ways.
- Any land with slopes of 25% or greater or within the mapped 100 year floodplain.

NEW DEVELOPMENT: Development of a site that was previously unimproved or that has had previously existing buildings demolished; e.g., not a remodel of an existing building.

NONCONFORMING DEVELOPMENT: An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards. See Chapter 20.2.

NONCONFORMING BUILDING OR USE: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective that, after the effective date of the amendment, does not conform to the requirements of the zone in which the structure or use is located.

NONCONFORMING RESIDENTIAL DENSITY: A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone. See Chapter 20.2.

NONCONFORMING SITUATION: A Nonconforming Residential Density, 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 Residential Density, Nonconforming Development, and Nonconforming Use. See Chapter 20.2.

NON-NATIVE INVASIVE PLANTS: Plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.

NURSING HOME (INTERMEDIATE CARE): A facility licensed by the State which provides, for a period exceeding 24 hour nursing care to 2 or more patients who are not related to the owners or nursing home administrator by blood or marriage.

- Such intermediate care nursing home must provide nursing service to those patients who, in the judgment of the physician, registered nurse, and nursing home administrator, require primarily supportive and preventative nursing measures.
- “Intermediate care” does not include persons who are actually ill and persons requiring continuous licensed skilled nursing care.

NURSING HOME (SKILLED CARE): A facility licensed by the State which provides, for a period exceeding 24 hours, the continuous services of licensed nursing personnel to care for 2 or more chronically ill or infirm patients exclusive of those patients related to the owner or nursing home administrator by blood or marriage. Such skilled nursing home must provide nursing services to those patients who, in the judgment of the physician, registered nurse, and nursing home administrator, require primarily remedial and restorative nursing home administrator, require primarily remedial and restorative nursing measures and secondarily supportive and preventative nursing measures.

O

OFF-STREET PARKING: All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 18.3 for parking standards.

OFFICIAL ZONING MAP: The official zoning map as adopted, amended, and replaced pursuant to the rules and regulations of the Comprehensive Plan.

ON-STREET PARKING: Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 18.3 for parking standards.

OPEN SPACE (PUBLIC/COMMON/PRIVATE/ACTIVE/PASSIVE): Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

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

OUTDOOR COMMERCIAL USE: A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

OVERLAY ZONE/DISTRICT: Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations. See Chapter 17.5.

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 showing date, book, and page of recording.

OWNERSHIP: An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way. See also, Lot and Site.

P

120-DAY PERIOD: The 120-day period within which ORS 227.178 requires the City to take final action on a complete application.

PARCEL: A legally defined area of land created through a partition.

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. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

PARKING LOT PERIMETER: The boundary of a parking lot area that usually contains a landscaped buffer area.

PARKING SPACE: A permanently maintained space with proper access for one standard size automobile as indicated in Chapter 18.3.

PARKING VERSUS STORAGE: Parking is to leave a motor vehicle for a temporary time, no longer than 24 hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more than 24 hours in the future.

PARTITION LAND: To divide an area or tract of land into 2 or 3 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)), but does not include:

- A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property.
- An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.
- The division of land resulting from the recording of a subdivision or condominium plat.
- Division of land resulting from the creation of cemetery lots.
- A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, country roads, city streets or other right-of-way when the sale or grant is part of a property adjustment incorporating the excess right-of-way into adjacent property. The

property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

- Adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable law or ordinance, including but not limited to provisions pertaining to minimum area, frontage, average widths, vehicular access or required setbacks.
- Divisions of land resulting from purchase or the exercise of the power of eminent domain by a governmental entity having lawful authority to do so.
- A sale or grant by a person to a public agency or public body for state highway, county road, City Street, or other right-of-way purposes provided that such roads or right-of-way complies with the comprehensive plan and applicable statutes. However, any property for state highway, county road, City Street, or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned.

PATHWAY: A walkway that is not within a street right-of-way.

PAVED AREA: An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas but are typically impervious.

PAVILLION-HIPPED: Roof with 4sloping planes that meet at a single point.

PEDESTRIAN/BICYCLE ACCESSWAY: Any off-street path or way designed and constructed for use by pedestrians and bicyclists which provides direct routes within and from new sub-divisions and planned unit development to other residential areas, transit streets, shopping areas and neighborhood activity centers where such routes are not otherwise provided by the street system. Pedestrian/bicycle access ways through parking lots should be generally physically separated from adjacent vehicle parking, parallel vehicle parking, of vehicular traffic by curbs or similar devices and include landscaping, trees and lighting. Where pedestrian/bicycle access ways cross driveways, they are generally raised, paved or marked in a manner that provides for convenient and recognized access for pedestrians.

PEDESTRIAN AMENITY(IES): Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (e. g. , benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards are not “amenities” for the purpose of this Code.

PEDESTRIAN CONNECTION: A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, pedestrian walkways, pedestrian/bicycle accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft surfaced pathways.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

PEDESTRIAN PLAZA: A small, semi-enclosed area, usually adjoining and connecting directly to a sidewalk, pedestrian walkway, transit stop or building entrance, that provides a place for pedestrians to sit, stand or rest. Pedestrian plazas are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian scale elements and improvements. Pedestrian plazas typically include low walls or planters and landscaping to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. A plaza having 150 to 250 square feet of area would be considered “small”.

PEDESTRIAN-SENSITIVE: Development designed and oriented with an emphasis on pedestrian access to and use of the site, and the buildings and dwellings within the site, rather than being designed and/or sited so as to give preference to auto access and parking areas.

PEDESTRIAN WALKWAY: A hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway and pedestrian connection by primary function it serves which is to provide for safe and convenient pedestrian movement within a site or property.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PERSON: Any individual, firm, partnership, association, company, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch or government, trustee receiver, assignee, or any other group or combination acting as a unit.

PIER: An upright structure of masonry to serve as a principal support, whether isolated or part of a wall.

PLANNING COMMISSION: The primary Citizen Advisory Committee for the City of Molalla established under Section 16.5.300 of the Molalla Development Code.

PLANNING DIRECTOR: The Planning Director of the City of Molalla or the Planning Director’s designee.

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: A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, restrictions, provisions, and other information concerning subdivision. Except where otherwise stated, the term “plat” includes the term “map”.

PLAZA: An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians.

POCKET PARK: A small park, usually less than 1/2 acre typically accessed by foot, wheelchair, or bicycle.

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

PREMISE: A lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

PRELIMINARY PLAT/PLAN: A preliminary diagram or drawing concerning a partition or subdivision.

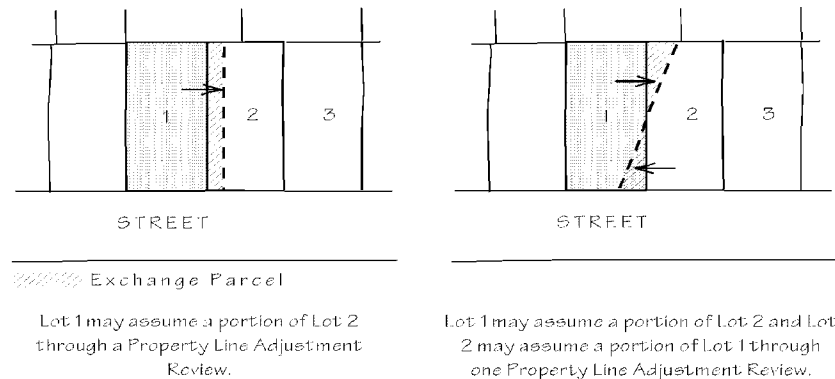
PRIMARY STRUCTURE: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, 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.

PROPERTY LINE: The division line between 2 units of land.

PROPERTY LINE ADJUSTMENT: The relocation of a single common property line between 2 abutting properties, in conformance with ORS 92.010(11).



PUBLIC ACCESS EASEMENT: A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

PUBLIC ACCESS WAY: A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park or transit stop.

PUBLIC FACILITY: A park, street, alley, sewer collection line, water distribution line, sewage or water pumping station, water reservoir, or storm drain line, channel, or detention facility.

PUBLIC IMPROVEMENTS: The physical structures and facilities that are developed, owned and maintained by public agencies to house governmental functions and provide water, power, waste, disposal, transportation and similar services in accordance with established public policy.

PUBLIC PARKS & RECREATIONAL FACILITIES: Indoor and outdoor space and facilities intended to serve the needs of the general public, and include but are not limited to nature parks, ball fields, specialty facilities, aquatic centers, open space, and spaces in which community services are provided.

PUBLIC SAFETY FACILITY: A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Molalla. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Q

QUALIFIED ENGINEER: An engineer licensed in Oregon who, in the judgement of the Planning Director and/or the Public Works Director possesses the knowledge, experience, and ability to successfully design and oversee a project involving excavations or fills regulated by the MDC.

QUASI-JUDICIAL ACTION: A final decision of the City that applies the provisions of the Titles 16 through 20 and Title 22 to an application that affects a specific property or small set of properties and which is legally required to result in a decision by the City.

R

RAIL ROAD RIGHT-OF-WAY: A public or private right-of-way, for the purpose of allowing rail travel.

RAMADA: An open or semi-enclosed shelter roofed with brush or branches, designed especially to provide shade. An open porch or breezeway.

REASONABLY DIRECT: Either a route that does not deviate unnecessarily from a straight line or, a route that does not involve a significant amount of out of direction travel.

RECORD: The public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public meetings, audio tape recordings, public meetings, the application and all materials submitted by the applicant, all documents, evidence, letters and other materials submitted by any party to the decision making proceeding, staff reports, public notices, and all decisions rendered by City decision makers.

RECREATION CAMP: An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. And/or an area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)

RECREATION FACILITIES: Indoor and outdoor facilities, excluding usable open space, intended to serve the recreational needs of the general public.

RECREATIONAL VEHICLE: A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into 2 categories as follows:

- **MOTOR HOME:** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.
- **ACCESSORY RECREATIONAL VEHICLE:** Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.

RECREATIONAL VEHICLE CAMPING PARK: Any establishment open to the public or any segment of the public for recreational use free of charge or through payment of a fee or membership dues, or by virtue of any rental, lease, license, membership, association or common ownership. “Recreational vehicle camping park” does not mean an area allowing only isolated, occasional, or infrequent recreation vehicle camping when the area has a primary or principle use other than as a recreational vehicle camping park.

REDEVELOPABLE LAND: Land on which development has already occurred but due to present or expected market forces, existing development is likely to be converted or replaced with a more intensive use.

REHABILITATION: As applied to buildings and residential structures within the downtown area, rehabilitation includes routine maintenance and corrective measures intended to bring the structure closer to compliance with the existing building code. Rehabilitation maintains the overall structural and decorative characteristics and the visual integrity of the original architecture but may include additions, new elements and technologies to meet current building codes and incorporate modern lifestyles or business needs, provided such modern elements are introduced only where necessary and are accomplished in a manner sympathetic to the original design. Rehabilitation does not require the technical or historic replication called for in restoration and may include compatible elements not found in the original structure or dwelling.

REMODEL: To update a structure that may or may not include structural alterations. For purposes of this code valuations shall be based on the assessed value of the buildings as shown in the most recent tax assessors data information provided to the City of Molalla.

- Minor Remodel: The assessed value of the work to be done is between (1% and 49%).
- Major Remodel: The assessed value of the work to be done is 50% or greater. Also projects where the floor area is increased by 50 percent or more.

RENOVATION PLAN: A written proposal to restore the distinctive and historically authentic architectural, historical or cultural character of a historic resource while retaining or establishing the possibility for efficient contemporary use.

REPLAT: The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plan or increase or decrease the number of lots in the subdivision.

RESERVE STRIP: A strip of land, usually one foot in width, deeded to the City, reserved across the end of a street or alley and terminating at the boundary of a subdivision or partition; or a strip of land deeded to the City between a dedicated street and adjacent property; in either case reserved or held by the City for future street extension or widening, or to prohibit access from property adjacent to a street.

RESIDENTIAL RECREATION CENTER: A private property or structure for which recreation is the primary use, the structure or use being developed in conjunction with a surrounding residential development.

RESIDENTIAL CARE FACILITY: See Residential Types

RESIDENTIAL HOME: See Residential Types

RESIDENTIAL TYPES

- **ACCESSORY DWELLING UNIT:** A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
- **COMMON:** A building with a separate bedroom-bathroom-living area for 2 or more individuals or couples and common or shared kitchen facilities, and may have other common shared facilities.
- **CONDOMINIUM:** A residential building which is composed of multi-family units that are sold individually where common ownership of the land is maintained by an association.
- **ACCESSORY DWELLING:** A small house generally containing not more than 1,200 square feet of floor area that may be allowed as the second dwelling on a single-family lot.
- **DUPLEX:** A building that contains 2 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 one or more persons. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.
- **GROUP LIVING STRUCTURE:** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses:
 - **RESIDENTIAL FACILITY/GROUP CARE FACILITY:** A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility; or
 - **RESIDENTIAL HOME/GROUP CARE HOME:** A residence for 5 or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

- **TRANSITIONAL HOUSING:** A project that is designed to provide housing and appropriate support services to homeless persons to facilitate movement independent living within 24 months.
- **GUESTHOUSE:** An accessory, detached dwelling unit occupied solely by nonpaying guests or by servants employed on the premises.
- **MULTI-DWELING STRUCTURE:** A structure that contains 3 or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots.
- **ATTACHED SINGLE-FAMILY DWELLING:** A building that has a single family dwelling unit erected in a row on its own lot, as a single building, each unit being separated from the adjoining unit or units by a common wall or walls extending from the basement floor to the roof along the dividing lot line, and each building being separated from any other building by space on three sides. The common wall or walls of a row-house shall consist of a structural wall, which is shared for at least 50 percent of the length of the side of the dwelling. Each dwelling unit in a row house development shall have no more than 2 common walls.
- **SALT BOX:** Having about the same roof pitch in both directions so that the roof ridge is well toward the front of the house.
- **SENIOR HOUSING:** Housing designated and/or managed for person 55 and over.
- **SINGLE-FAMILY HOUSE, DETACHED:** A detached dwelling unit located on its own lot.
- **SINGLE ROOM OCCUPANCY HOUSING (SRO):** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.

RESTORATION: To restore a structure or area to its original condition.

REVIEW BODY: The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Director, Hearings Officer, Planning Commission, and the City Council.

RIDGE LINE (BUILDING): The top of a roof at its highest elevation.

RIGHT-OF-WAY: An area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

RIPARIAN AREAS: Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have a high water table because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

ROADWAY: The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

ROAD AUTHORITY: The City or other agency (e.g. , Oregon Department of Transportation, Clackamas County, a special purpose district, or other agency) with jurisdiction over a road or street.

ROOF

- **GABLED:** Constructed with a single slope on each side of the ridge supported at the end by a gable or vertical triangular portion of an end wall.
- **GAMBREL:** A gable roof with 2 slopes on each side with the lower slope being steep.
- **HIPPED:** A 4 sided roof having sloping ends and sides.
- **MANSARD:** A 4 sided roof having a double slope, with the lower slope greater than the upper.

ROOF PITCH: The slope of a roof, usually described as ratio (e. g. , 1 foot of rise per 2 feet of horizontal distance).

ROWHOUSE/TOWNHOUSE: See Residential Types

S

SAFE & CONVENIENT: When used in connection with bicycle and pedestrian access, “safe and convenient” means bicycle and pedestrian routes, facilities and improvements that are reasonably free from hazards (particularly types or levels of automobile traffic which would interfere with or discourage short pedestrian or bicycle trips). These routes provide a reasonably direct route of travel between the place of origin and place of destination, and meet the travel needs of pedestrians and bicyclists considering destination and length of trip and an optimum trip length for pedestrians of generally one-quarter to one-half mile.

SEASONAL USE: Temporary uses of less than 45 days duration where the use is centered around a holiday or occasion, including fireworks stands, Christmas tree lots, and other similar types of uses but excluding temporary uses for which a Special Events Permit has been granted by the City Council.

SECURITY FENCE: A fence constructed to prohibit passage of persons or animals.

SENIOR HOUSING: See Residential Structure types.

SETBACK: 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.

SEWER MASTER PLAN: A master plan for development, location, size, and treatment facilities to serve property within the Urban Growth Boundary.

SHARED DRIVEWAY: When land uses on 2 or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

SHARED PARKING: Required parking facilities for 2 or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities.

SHOPPING STREET: A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.

SHRUB: A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

SIDEWALK: A pedestrian walkway with permanent surfacing built to city standards, adjacent to a roadway.

SIGHT DISTANCE: The unobstructed viewing distance measured from one object or location to another object or location.

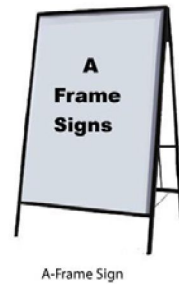
SIGHT OBSCURING FENCE: A fence or evergreen planting of such density and so arranged as to obstruct vision. Chain link with slats is not considered sight obscuring.

SIGN: Any outdoor device, structure, or fixture visible from outdoors, which incorporates graphics, symbols, or written copy visible to the public, including those devices, structures or fixtures which are behind windows or building openings, and that are intended to communicate information. Devices providing identification, advertising, or directional information for a specific business, group, group of businesses, service, product, brand, person, organization, place or building. Included in this description of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected

picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices.

- **ABANDONED:** A sign associated with the use of a property which has ceased for a period of at least 6 months.
- **ACCESSORY SIGNS:** Signage which is an integral part of outdoor accessory or display structures or uses allowed by City code.

- **A-FRAME SIGN:** An A-frame sign is a type of temporary sign which has 2 sides, the frame or support structure of which is hinged or connected at the top of the sign in such a manner that the sign is easily moved and erected.



- **ALTER:** Any change to a sign excluding change of copy or maintenance – when there is no change of use, or occupancy or ownership.

- **BACKLIGHTING, “BACKLIGHTED”, AND “BACKLIT”:** Includes cabinet signs, “Channelhume” (plastic lighted letters), neon lighted letters, and individual letters on awnings and canopies.

- **BALLOON SIGN:** A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.



- **BANNERS:** Non-rigid material secured or mounted so as to allow movement caused by the wind.



- **BILLBOARD:** A sign with a display surface area of 300 square feet or more per sign face.

- **BLADE SIGN:** A sign hung from a canopy or awning perpendicular to the direction of pedestrian movement.



- **CHANGE OF COPY:** The change of logo and/or message upon the face or faces of a legal sign.

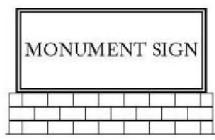
- **COMPLEX SIGN:** A sign which is located at a street intersection or principle access to a multi-building complex.

- **DISPLAY SURFACE AREA:** The total area of a sign that is available for display or advertising.

- **FREE STANDING SIGN:** A sign supported from the ground by its own structure.
- **INCIDENTAL SIGN:** A sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.
- **INDIRECTLY LIGHTED SIGN:** A sign with a source of illumination which is intended to light the sign, but which is not attached to the sign, its trim or support. Interior or exterior lighting which incidentally illuminates the sign is not considered indirect lighting.



Freestanding Sign



Monument Sign

- **MONUMENT SIGN:** A sign which is affixed to a base which is no more than 30 inches above the nearest ground surface.

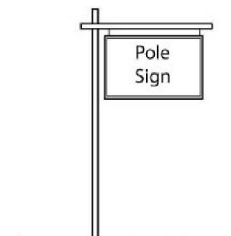


Monument Sign

- **NON-CONFORMING SIGN:** Non-conforming signs are those signs which were lawfully installed which do not comply with the requirements of this sign code.
- **OBSOLETE SIGN:** A sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.
- **OVERHANG SIGN:** A sign which is attached perpendicular to a building wall and hangs out over the public right-of-way or any private area subject to pedestrian travel.
- **PENNANTS:** Strings of small flags.
- **PERMENANT SIGN:** Any legally placed sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.
- **POLE SIGN:** A free standing sign erected on one or more supports which are more than 30 inches above the adjacent ground surface.
- **PORTABLE SIGN:** A temporary sign which is capable of being moved easily and is not permanently affixed to the ground or a structure.



Pennant Sign



- **PROHIBITED SIGNS:** A sign which bears or contains statements, words, or pictures of an obscene or indecent character such as will offend the public decency.

- **PROJECTING SIGNS:** A sign projecting more than one foot from the wall of a building.
- **PUBLIC SIGN:** A sign erected and maintained by a public agency within the right-of-way of a street or alley.

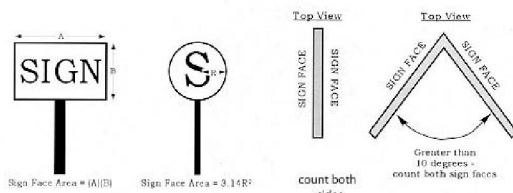


- **READER BOARD:** A board where letters are easily changeable.



- **ROOF SIGN:** Any sign erected upon or over the roof of any building with the principle sign support on the roof structure.

- **SIGN BAND:** A continuous painted, attached or structurally internal linear area for the placement of signs extending along one or more sides of a structure located between the windows and the parapet on a one story building with a flat roof and at or below the fascia on a one story building with a pitched roof. On a multistory building it shall be located above the windows and below the second story line.
- **SIGN HEIGHT:** The vertical distance from the lowest point of the adjacent grade below the sign to the highest part of the sign.
- **SIGN FACE:** The total display surface area visible from one side of a sign.



Sign Face Measurement

- **SIGN OFFICIAL:** A person designated by the City Manager to enforce the sign code requirements. This includes the review of permit applications, the interpretation of the provision of this chapter and/or the issuance of permits.
- **TEMPORARY SIGN:** A sign that will become obsolete after the occurrence of an event or series of events which shall extend no more than 3 months in any calendar year. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.



- **WALL SIGN:** A sign erected or inscribed on a wall.

- **WIND SIGN:** Signage which is an integral part of a device intended to move or operate by the action of the wind such as a wind sock or pin wheel.



SIGNIFICANT ALTERATION: A revision to the design theme, i.e., change from Victorian to Tudor style; or addition or deletion of square footage in excess of 1,000 square feet; or revision of the type of building material utilized so as to materially change the exterior appearance of the structure; or material revision to the landscaping, parking or other feature of the site.

SIGNIFICANT TREE: Those trees identified in the significant tree inventory list for the City. Upon development the area will be reviewed to ensure significant trees do not exist prior to any excavation being done.

SIGNIFICANT VEGETATION: Individual trees and shrubs within designated sensitive lands, in accordance with Chapter 18.7.100, and trees and shrubs not within a sensitive land area that have a caliper of 4-6 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Clackamas County and plants listed by the City as prohibited street trees and landscape plants.

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 the 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.

SITE DESIGN REVIEW: A discretionary review that applies to all developments except those specifically designated for Land Use Review. A development proposal is reviewed in light of the basic land use district development standards and more detailed design standards and public improvement requirements in Title 18.

SLOPE: Inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL: Naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER: A civil engineer experienced and knowledgeable in the practice of soils engineering.

SPECIFIC AREA PLAN: An adopted plan for a sub area of the City and/or Urban Growth Area providing a framework and standards for future land uses, densities, blocks, typical lot patterns, public improvements and streets, and site design; may also include architectural design guidelines or standards.

STANDARDS & CRITERIA: Both are code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example.* Criterion: All developments subject to site design review shall comply with the Chapter 18.3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each x square feet of gross floor area.)

STEEP SLOPES: Slopes of greater than 20 percent.

STOREFRONT: The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

STORMWATER FACILITY: A facility designed to improve the quality and manage the quantity of storm water runoff. Storm water facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Storm water facilities do not include conveyance systems that are meant only for conveying the storm water from one place to another and do not affect the quality or quantity of the storm water.

STORMWATER MANAGEMENT SYSTEM: A storm water facility (e.g., conveyance, detention/retention, treatment system or outfall).

STORMWATER MASTER PLAN: A master plan for the location, size, and classification of storm drainage facilities to serve property within the Urban Growth Boundary.

STORY: That portion of a building included between the upper surface on any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.

STREAM: An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water either intermittently or during most of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water levels of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

STREAM CHANNEL: An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

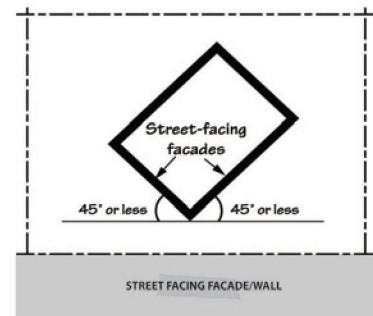
STREET: The entire widths between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms “road,” “highway,” “land,” “place,” “avenue,” “alley,” or their similar designations. A public right-of-way or access easement 20 feet or less in width shall not constitute a street.

- **ALLEYS:** A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.
- **ARTERIALS:** The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties. These roadways are primarily intended to serve traffic entering and leaving the urban area. While arterials may provide access to adjacent land, that function is subordinate to the travel service provided to major traffic movements.
- **BOULEVARD:** A street with broad open space areas; typically with planted medians.
- **COLLECTOR:** Facilitate the movement of city traffic within the urban growth boundary of the City. Provide some degree of access to adjacent properties, while maintaining circulation and mobility for all users. Major collectors are distinguished by their connectivity and higher traffic volumes, although they are designed to carry lower traffic volumes at slower speeds than arterials. Minor collectors carry lower volumes than major collectors.
- **CUL-DE-SAC:** A street with a larger than normal turn around which is circular in shape at the terminus.

- **DEAD-END STREET:** A street that connects to another street at only one end and does not have a City-approved turnaround on its other end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **HALF-STREET:** A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided by development of another subdivision.
- **LOCAL:** Primarily intended to provide access to abutting land uses. Local street facilities offer the lowest level of mobility and consequently tend to be short, low-speed facilities. As such, local streets should primarily serve passenger cars, pedestrians, and bicyclists; heavy truck traffic should be discouraged.
- **NEIGHBORHOOD:** Primary function is to connect neighborhoods with the collector and arterial street system, facilitate the movement of local traffic, and provide access to abutting land uses. Speeds on these facilities should remain low to ensure community livability and safety for pedestrians and bicyclists of all ages. On-street parking is more prevalent and pedestrian amenities are typically provided.

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 FAÇADE/WALL: All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.



STREET FURNITURE/FURNISHINGS: Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located in a plaza.

STREETSCAPE: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

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.

STREET TREE: A tree planted in a planter strip or tree well between the street and sidewalk.

STRUCTURE: Any object constructed in or on the ground. Structures do not include paved areas or vegetative landscaping materials.

STRUCTURE HEIGHT: The height of a structure, and the cumulative height of a building with any appurtenant structures.

STRUCTURAL ALTERATION: Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change to the roof.

SUBDIVIDE LAND/SUBDIVISION: To divide a lot or parcel into 4 or more lots within the calendar year that the lot or parcel existed under a single ownership at the beginning of the year.

SUBDIVISION BOND: A security to ensure work contracted to perform will be accomplished in accordance with plans approved by the City.

SUB DIVIDER: A person or entity submitting an application to subdivide property.

SWALE: A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains or is capable of containing water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

- **SWIMMING POOL, INDOOR:** A swimming pool which is totally contained within a structure and surrounded on all 4 sides by walls of said structure.
- **SWIMMING POOL, OUTDOOR:** Any swimming pool which is not an indoor pool.

T

TANGENT: Meeting a curve or surface at a single point.

TELECOMMUNICATIONS FACILITIES: The sites, structures, equipment, and appurtenances used to transmit, receive, distribute, provide or offer telecommunication services, including but not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

TELECOMMUNICATIONS SYSTEMS: The sending and receiving of radio frequency transmissions, the connection and/or relaying of these signals to land lines or other sending and receiving stations, cellular, radio, telephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

TERRACE: A porch or promenade supported by columns, or a flat roof or other platform on a building.

THROUGH LOT: A lot having frontage on 2 parallel or approximately parallel streets.

THROUGH STREET: A street that connects to other streets at both ends.

TOP OF BANK: The first major change in the slope of the incline from the ordinary high water level of a body of water. A major change is a change of 10 degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation is 2 feet above the ordinary high water level.

TOPOGRAPHICAL CONSTRAINT: Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

TOWNHOUSE/ROWHOUSE: See Residential Types

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 CIRCULATION: A general term denoting provisions to accommodate or encourage all modes of travel and movement, which include, but are not limited to motor vehicle, pedestrian and bicycle travel.

TRAFFIC CONTROL SIGN OR DEVICE: An official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the City of Molalla, Clackamas County, State of Oregon, or the Federal Government.

TRANSIT STOP: Any posted bus stop.

TRANSOM: A window above an opening such as a door or window built on a horizontal crossbar, often hinged on the top to swing open for ventilation.

TRANSPORTATION MODE: The method of transportation (e. g. , automobile, bus, walking, bicycling, equestrian, train, etc.)

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.

TREE: A perennial woody plant having a caliper of more than 8 inches measured at 4 feet above grade. A group of trees is 4 or more trees located on the same general area.

TREE CANOPY: The ground area that, when viewed from above the crown of one or more trees, is mostly covered by the tree(s). For deciduous trees, canopy area is based on the time of year when foliage is present.

TREE WELL: A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

TRIM: Finished woodwork or the like that is used to decorate or border openings or wall surfaces, as cornices, baseboards or moldings. Trim is typically used to accentuate structural characteristics and enhance the aesthetic appeal of said structure.

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.

U

UNDERSIZED LOT OR PARCEL: A lot, parcel or tract of land that does not satisfy the area requirements of the underlying zoning district.

UNIMPROVED PROPERTY: Property that is not improved as defined in this section.

UPPER FACADE: Above the storefront. Displays the structure's essential architectural style.

URBAN SERVICE AREA: That portion of the Molalla urban area as stated in the Molalla Comprehensive Plan.

URBAN GROWTH AREA: The Urban Growth Boundary as adopted as part of the Molalla Comprehensive Plan and shown on the general plan map.

USE: An activity or purpose for which land or a structure is designed, arranged, intended, or for which it is occupied or maintained.

UTILITIES: Water, gas, sewer, storm drainage, electrical, telephone, wire communication service, cable television, all persons and companies supplying the same.

V

VACATE PLAT/STREET: To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

VACATION HOME RENTAL: A commercial use of a single family or duplex dwelling unit where the unit is rented for periods of time of 28 or fewer consecutive days.

VANPOOL: A group of 5 or more commuters including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

VARIANCE: An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code.

VEHICLE AREAS: See Development-Related definitions. All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas.

VEHICLE TYPES:

- **MOTOR VEHICLE:** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles are not allowed on streets.
- **PASSENGER VEHICLE:** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **TRUCK:** A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than 10 persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles.
 - **LIGHT TRUCK:** Trucks and similar vehicles with single rear axles and single rear wheels.
 - **MEDIUM TRUCK:** Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
 - **HEAVY TRUCK:** Trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **UTILITY TRAILER:** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.

VISION CLEARANCE AREA: Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance.

W

WALKWAY: A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.

WALL: A structure made of stone, brick or other materials intended for security or for an enclosure.

WASTE 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.

WATER FEATURE: In landscape architecture and garden design, a water feature is any of a full range of fountains, pools, ponds, cascades, waterfalls, and streams. A majority of water features are powered by pumps. Water features can be any size and may be indoor or outdoor.

WATER MASTER PLAN: A master plan for the location, size, and classification of water treatment, transmission and distribution facilities to serve the property within the Urban Growth Boundary.

WATERWAY: Any perennial river, stream, or creek within the City of Molalla so designated by the Molalla Comprehensive Plan.

WETLANDS: Area inundated by surface or groundwater sufficient to support a prevalence of vegetation or aquatic life, which requires saturation or seasonally saturated soil conditions for growth and reproduction.

- Wetlands generally include swamps, marshes, bogs, sloughs, wet meadows, river overflows, mud flats, natural ponds and other similar areas.
- Except when provided as a mitigation measure to satisfy City, State or Federal regulations, wetlands do not include areas of private property which otherwise satisfy the above definition. However, if it was created by human activity as part of an approved development project after the date of initial acknowledgement of Molalla's Comprehensive Plan under ORS 197.251.

WINDOW: A transparent or semi-transparent (not more than 50% opaque) glazing on a building facade. For the purpose of this Code, a window may be a display window (e.g., for merchandise, art, etc.) that is integral to a building design, but a window is not a display box mounted onto the exterior of a building.

WIRELESS COMMUNICATION EQUIPMENT: Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Y

YARD: The area defined by setbacks (*i.e.*, between the setback line and nearest property line).

- **FRONT:** A yard between the side lot lines and measured horizontally at right angles to the front lot line to the nearest point of the building.
- **REAR:** A yard between side lot lines and measured horizontally at right angles to the rear lot line to the nearest point of the main building.
- **SIDE:** a yard between the front and rear yard measured horizontally and at right angles to the side to the nearest point of the building.
- **FRONT (CORNER LOT):** In a corner lot, the yards abutting all intersecting streets.
- **INTERIOR (CORNER LOT):** In a corner lot, a yard adjacent to any lot line which is not a street line.

16.3.400 ACRONYMS

The following acronyms are organized alphabetically. The point of the acronym section is to provide an easily accessible section of the code that can be referred to when acronyms are used.

CC: City Council

DEQ: Department of Environmental Quality

DLCD: Department of Land Conservation and Development

DSL: Division of State Lands

DRB: Design Review Board

HO: Hearing Officer

ODF&W: Oregon Department of Fish and Wildlife

ODOT: Oregon Department of Transportation

PC: Planning Commission

PD: Planning Director

PWD: Public Works Director

CHAPTER 16.4 — USE CATEGORIES

SECTIONS:

Introduction to the Use Categories

16.4.010 PURPOSE

Residential Use Categories

16.4.100 GROUP LIVING

16.4.110 HOUSEHOLD LIVING

Commercial Use Categories

16.4.200 COMMERCIAL OUTDOOR RECREATION

16.4.210 COMMERCIAL PARKING

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16.4.235 EDUCATIONAL SERVICES, COMMERCIAL

16.4.240 OFFICE

16.4.250 RETAIL SALES AND SERVICE

16.4.260 SELF-SERVICE STORAGE

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16.4.420 COMMUNITY SERVICE

16.4.430 DAYCARE

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16.4.460 PARKS AND OPEN AREAS

16.4.470 RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP

16.4.480 SCHOOLS

Other Use Categories

16.4.520 RADIO FREQUENCY TRANSMISSION FACILITIES

16.4.530 RAIL LINES UTILITY CORRIDORS

INTRODUCTION TO THE USE CATEGORIES

16.4.010 PURPOSE

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization:** Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.
- B. Interpretation:** When a use's category is not clearly identifiable, the Planning Director, through a Type II procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
- The description of the activity(ies) in relationship to the characteristics of each use category;
 - The relative amount of site or floor space and equipment devoted to the activity;
 - Relative amounts of sales from each activity;
 - The customer type for each activity;
 - The relative number of employees in each activity;
 - Hours of operation;
 - Building and site arrangement;
 - Vehicles used with the activity;
 - The relative number of vehicle trips generated by the activity;
 - Signs;
 - How the use advertises itself; and
 - Whether the activity would function independently of the other activities on the site.

- C. Developments with multiple primary uses:** When all primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- D. Accessory uses:** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.
- E. Use of examples:** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

RESIDENTIAL USE CATEGORIES

16.4.100 GROUP LIVING

A. Characteristics: Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging. Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.

B. Accessory Uses: Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

C. Examples: Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

D. EXCEPTIONS

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.
2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

16.4.110 HOUSEHOLD LIVING

- A. Characteristics:** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing, that do not have totally self contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. Single Room Occupancy Housing may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category.
- B. Accessory Uses:** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- C. Examples:** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in Single Room Occupancy housing if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions**
1. Lodging in a dwelling unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
 2. Single Room Occupancy housing that contains programs which include common dining is classified as Group Living.
 3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.
 4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

COMMERCIAL USE CATEGORIES

16.4.200 COMMERCIAL OUTDOOR RECREATION

- A. Characteristics:** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. Accessory Uses:** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples:** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.
- D. Exceptions**
1. Golf courses are classified as Parks and Open Space.
 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

16.4.210 COMMERCIAL PARKING

- A. Characteristics:** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses:** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. Examples:** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions**
1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility.
 3. Public transit park-and-ride facilities are classified as Basic Utilities.

16.4.220 QUICK VEHICLE SERVICING

A. Characteristics: Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed. Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

1. Within the CBD gas stations are not allowable uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.

D. Exceptions.

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

16.4.230 MAJOR EVENT ENTERTAINMENT

A. Characteristics: Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses: Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

C. Examples: Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

16.4.235 EDUCATIONAL SERVICES, COMMERCIAL

- A. Characteristics:** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.
- B. Accessory uses:** Accessory uses may include incidental retail (*e.g.*, sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.
- C. Examples:** Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.

16.4.240 OFFICE

- A. Characteristics:** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. Accessory uses:** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. Examples:** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

D. Exceptions

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

16.4.250 RETAIL SALES AND SERVICE

- A. Characteristics:** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. Accessory uses:** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples: Examples include uses from the 4 subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter.

7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

16.4.260 SELF-SERVICE STORAGE

- A. Characteristics:** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. Accessory uses:** Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples:** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- D. Exceptions:** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

16.4.270 VEHICLE REPAIR

- A. Characteristics:** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)
- B. Accessory Uses:** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. Examples:** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions:** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

INDUSTRIAL USE CATEGORIES

16.4.300 INDUSTRIAL SERVICE

- A. Characteristics:** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses:** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.
- C. Examples:** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; 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; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions:**
1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

16.4.310 MANUFACTURING AND PRODUCTION

- A. Characteristics:** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses:** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. Examples: Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; 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; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

D. Exceptions

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

16.4.320 WAREHOUSE, FREIGHT MOVEMENT, AND DISTRIBUTION

A. Characteristics: Warehouse, Freight Movement, and Distribution involve the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses: Accessory uses may include offices, bus or truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples: Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Mini-warehouses are classified as Self-Service Storage uses.

16.4.330 WASTE-RELATED

A. Characteristics: 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 hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

B. Accessory Uses: Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

C. Examples: Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Sewer pipes that serve a development are considered a Basic Utility.

16.4.340 WHOLESALE SALES

A. Characteristics: Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

B. Accessory uses: Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples: Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

D. Exceptions

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

INSTITUTIONAL AND CIVIC USE CATEGORIES

16.4.400 BASIC UTILITIES

A. Characteristics: Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.

B. Accessory uses: Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.

C. Examples: 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; bus stops or turnarounds, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions

1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.
2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus barns are classified as Warehouse and Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

16.4.410 COLLEGES

A. Characteristics: This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building..

B. Accessory Uses: Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

C. Examples: Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales and Service.]

16.4.420 COMMUNITY SERVICES

A. Characteristics: Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. 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. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide 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. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

B. Accessory uses: Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.

C. Examples: Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

D. Exceptions

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.
2. Parks are in Parks and Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

16.4.430 DAYCARE

- A. Characteristics:** Daycare use includes day or evening care of 2 or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses:** Accessory uses include offices, play areas, and parking.
- C. Examples:** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions:** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 657A. 250 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

16.4.450 MEDICAL CENTERS

- A. Characteristics:** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses:** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. Examples:** Examples include hospitals and medical complexes that include hospitals.
- D. Exceptions**
1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
 3. Urgency medical care clinics are classified as Retail Sales and Service.

16.4.460 PARKS AND OPEN AREAS

- A. Characteristics:** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

B. Accessory uses: Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

C. Examples: Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

16.4.470 RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP

A. Characteristics: Religious Institutions are intended to primarily provide meeting areas for religious activities.

B. Accessory uses: Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are different than a school as a primary use.

C. Examples: Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in 16.4.480 Schools.

16.4.480 SCHOOLS

A. Characteristics: This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

B. Accessory uses: Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.

C. Examples: Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions

1. Preschools are classified as Daycare uses.
2. Business and trade schools are classified as Retail Sales and Service.

OTHER USE CATEGORIES

16.4.510 RADIO FREQUENCY TRANSMISSION FACILITIES

A. Characteristics: 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.

B. Accessory Uses: Accessory use may include transmitter facility buildings.

C. Examples: Examples include broadcast towers, communication/cell towers, and point to point microwave towers.

D. Exceptions

1. Receive-only antennae are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

16.4.520 RAIL LINES & UTILITY CORRIDORS

A. Characteristics: This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples: Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Railroad yards are classified in the Railroad Yards category.

CHAPTER 16.5 – HEARINGS BODIES AND THEIR DUTIES

SECTIONS:

HEARINGS OFFICER

- 16.5.100 APPOINTMENT
- 16.5.110 QUALIFICATION - COMPENSATION
- 16.5.120 ADOPTION OF RULES FOR CONDUCT OF HEARINGS
- 16.5.130 RULES OF EVIDENCE AT PUBLIC HEARINGS
- 16.5.140 CHALLENGE OF DECISION

CITIZENS ADVISORY COMMITTEE

- 16.5.200 PURPOSE
- 16.5.210 APPOINTMENT AND TERMS OF MEMBERS
- 16.5.220 MEETINGS – QUORUMS – OFFICERS

PLANNING COMMISSION

- 16.5.300 PURPOSE
- 16.5.310 CREATED – COMPOSITION – COMPENSATION
- 16.5.320 TERMS OF MEMBERS
- 16.5.330 QUORUM – RULES OF PROCEDURE
- 16.5.340 MEETINGS – OFFICERS
- 16.5.350 RECORD OF PROCEEDINGS
- 16.5.360 RIGHT OF PARTIES TO PRESENT EVIDENCE AT HEARINGS

DESIGN REVIEW BOARD

- 16.5.400 PURPOSE
- 16.5.410 CREATION
- 16.5.420 TIME OF MEETING AND OFFICERS
- 16.5.430 TERMS OF MEMBERS
- 16.5.440 QUORUM / RULES OF PROCEDURE
- 16.5.450 RECORD OF PROCEEDINGS
- 16.5.460 RIGHT OF PARTIES TO PRESENT EVIDENCE AT HEARINGS

16.5.100 HEARINGS OFFICER - APPOINTMENT

The City Administrator, subject to the approval of the City Council, may appoint a planning and zoning Hearings Officer to serve the City Council. Said Hearings Officer shall conduct hearings, make decisions, or recommendations on applications for such matters as approved in this chapter.

16.5.110 HEARINGS OFFICER - QUALIFICATION-COMPENSATION

The Hearings Officer shall be a member in good standing of the Oregon State Bar Association and shall be paid such compensation as agreed between such Hearings Officer and the City Council.

16.5.120 HEARINGS OFFICER - ADOPTION OF RULES FOR CONDUCT OF HEARINGS

The Hearings Officer is authorized to adopt rules of procedure for the conduct of hearings pursuant to this chapter, provided such rules do not conflict with state law, the City charter and ordinances, or the Comprehensive Plan. A copy of such rules shall be available for review at no cost or purchase for a nominal fee

16.5.130 HEARINGS OFFICER - RULES OF EVIDENCE AT PUBLIC HEARINGS

Public hearings before the Hearings Officer shall be subject to the following rules of evidence: All interested persons shall be allowed to testify. A verbatim record of the proceeding shall be made by written, mechanical or electronic means. This record need not be transcribed except upon review of the record.

1. All evidence offered and not objected to may be received, unless excluded by the Hearings Officer on the Hearings Officer's own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Evidence may be received in written form at or prior to the hearing.
2. The Hearings Officer may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence. Any erroneous admission of evidence by the Hearings Officer shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
3. All evidence shall be offered and made a part of the record in the case, except for matters stipulated to and except as provided in subsection (2) of this section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.
4. The Hearings Officer may take notice of judicially cognizable facts, and take notice of general, technical or scientific facts within the Hearings Officer's specialized knowledge.
5. Every party is entitled to an opportunity to be heard and present and rebut evidence.

16.5.140 HEARINGS OFFICER – CHALLENGE OF DECISION

1. A party may challenge the Hearings Officer on the grounds of bias, ex-parte contact, or that the Hearings Officer has a legal conflict of interest. A written challenge must be delivered by personal service to the City Recorder and the Planning Department not less than 3 calendar days preceding the time set for public hearing.
2. A challenge of the Hearings Officer's decision shall be entered in the record of the action.

16.5.200 CITIZENS ADVISORY COMMITTEE - PURPOSE

The purpose of the Citizens Advisory Committee is to assist in determining the community's interest in land use proposals and present such view at public hearings before the Hearings Officer, Planning Commission and City Council. A Citizens Advisory Committee meeting shall be for the purpose of reviewing current land use applications, ordinance and Comprehensive Plan amendments, and preparing written or oral testimony regarding such proposals to be presented at the appropriate public hearing. The committee is authorized to file appeals from a decision of the City staff or Hearings Officer. The Planning Commission act as the City's officially recognized Citizen Advisory Committee.

16.5.210 CITIZENS ADVISORY COMMITTEE – APPOINTMENT AND TERMS OF MEMBERS

The Planning Commission is appointed as the Citizens Advisory Committee. At the discretion of the City Council or on petition by resolution from the Planning Commission, the City Council may establish a separate Citizens Advisory Committee. Terms of members shall run concurrently with their membership on the Planning Commission. If a separate Citizens advisory Committee is established, the City Council shall appoint to it at least 3 but no more than 7 voting citizens who reside within the City limits. Such appointments shall be for a term of one year.

16.5.220 CITIZENS ADVISORY COMMITTEE – MEETINGS / QUORUMS / OFFICERS

The Citizens Advisory Committee shall operate under the same rules and policies as those established for the Planning Commission.

16.5.300 PLANNING COMMISSION - PURPOSE

The purpose of the Planning Commission shall be to conduct the review of the Comprehensive Plan, implement ordinances, hold hearings and make decisions and recommendations to the City Council on major plan and ordinance amendment applications as well as other such matters approved in this chapter.

16.5.310 PLANNING COMMISSION – CREATED / COMPOSITION / COMPENSATION

1. There is created a City Planning Commission for the City of Molalla.

A. The Planning Commission shall consist of the following:

1) Voting members

a. A minimum of 3 but no more than 7 members to be appointed by the Mayor.

- b. No more than 2 voting members may be non-residents of the City. There shall be more residents of the City than non-residents sitting on the board at all times.
- 2) City involvement seats on the Planning Commission
- a. An additional 2 non-voting members on the board. Non-voting members will be afforded the privileges and rights given to voting members with the exception of voting privileges. Non-voting members shall be given priority consideration for the positions on the Planning Commission as positions become available given that they meet the criteria as set forth in (1.A.1) of this section.
 - i. Appointment of non-voting members shall occur as outlined in Section 16.5.320.
- 3) It is the policy of the City of Molalla that involving youth in the public-decisions-making process provides the opportunity to enhance the community's interest in this process for generations to come. Accordingly, the Planning Commission may also have up to 2 additional non-voting members of high-school age, who must live within the Molalla River School District.
- a. A youth applicant must be 16 years of age or older.
 - b. Meetings may go late into the evening. Students under the age of 18 shall not be allowed to go later than 9 pm on school nights, or 10 pm on nights when there is no school the following day. If Staff believes the frequency of Planning Commission meetings will disrupt the Student's school work or interfere with the Student's school schedule, Staff may request the student be absent from certain meetings. Students shall be required to provide proof that their grades are being maintained at a minimum of a "C" average.
 - c. Students will be expected to participate fully in discussions.
- 4) Individuals interested in serving on the Planning Commission shall meet the following criteria:
- a. Reside within the City of Molalla, except as otherwise provided in this section.
 - b. Not more than 2 members may have the same occupation.
 - c. Must be a citizen of the United States of America.
2. The composition of the Planning Commission shall meet the requirements of ORS 227.030. Commission members shall receive no compensation.

16.5.320 PLANNING COMMISSION – TERMS OF MEMBERS

1. Each member of the Planning Commission shall be appointed to a 4 year term. Any vacancies shall be filled by the Mayor for the un-expired portion of the term.
 - A. Unexcused absences from 3 consecutive regular meetings shall disqualify a member at which time the Mayor shall appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.

16.5.330 PLANNING COMMISSION – QUORUM / RULES OF PROCEDURE

1. A majority of the voting Commission shall constitute a quorum. The Commission is authorized to adopt rules of procedure for the conduct of its meetings and hearings, provided such rules do not conflict with State law, City Charter, Ordinances, and the Comprehensive Plan. A copy of such rules shall be filed with the City Recorder and made available for inspection to those appearing before the Planning Commission prior to their appearance.
2. When exercising the function of the Hearings Officer, the Planning Commission shall follow the rules of the Hearings Officer in performing said function. A majority vote of the Planning Commission members present shall be sufficient for taking any action authorized by ordinance.

16.5.340 PLANNING COMMISSION – MEETINGS / OFFICERS

The Planning Commission shall meet on a monthly basis. At the first meeting of each calendar year, the Commission shall select a Chair, Vice Chair, and a Secretary. The Chair, or Vice Chair in the Chair's absence, shall preside over the Planning Commission's meetings and hearings.

16.5.350 PLANNING COMMISSION – RECORD OF PROCEEDINGS

A verbatim record of the proceedings shall be made by written, mechanical or electronic means, which need not be transcribed, except upon review on the record.

16.5.360 PLANNING COMMISSION – RIGHT OF PARTIES TO PRESENT EVIDENCE AT HEARINGS

1. At public hearings before the Planning Commission, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.
2. The Chair may limit the speaking time allowed for interested parties to 5 minutes.

16.5.400 DESIGN REVIEW BOARD - PURPOSE

The purpose of the Design Review Board (DRB) shall be to conduct reviews of Design Reviews which meet the criteria to be addressed by the DRB.

16.5.410 DESIGN REVIEW BOARD - CREATION

The Planning Commission shall act as the City's DRB in the absence of a DRB.

- A. The Design Review Board shall consist of 7 voting members which meet the following:
1. No more than 2 members may have the same qualification. Members shall be appointed using the following qualifications:
 - a. Attorney;
 - b. Architect/Engineer;
 - c. Planning Director;
 - d. Developer/Builder;
 - e. Real Estate Agent;
 - f. City of Molalla Resident; and
 - g. Business Owner

16.5.420 DESIGN REVIEW BOARD TIME OF MEETINGS AND OFFICERS

Meetings shall be scheduled on an as needed basis. At a minimum, the DRB shall hold at least one meeting every 6 months as a training session on the Design Review Code. At the first meeting of each year the DRB shall select a chairperson, vice chairperson, and secretary.

16.5.430 DESIGN REVIEW BOARD – TERMS OF MEMBERS

1. Each member of the DRB shall be appointed to a 2 year term. Any vacancies shall be filled by a Planning Commissioner for the un-expired portion of the term.
- B. Unexcused absences from 2 consecutive regular meetings shall disqualify a member at which time the City Council shall appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.

16.5.440 DESIGN REVIEW BOARD – QUORUM – RULES OF PROCEDURE

The DRB shall follow the same rules and procedures set for in the Planning Commission Quorum - Rules of Procedure. When the Planning Commission serves as the DRB Planning Commission rules shall apply.

16.5.450 DESIGN REVIEW BOARD – RECORD OF PROCEEDINGS

A verbatim record of the proceedings shall be made by written, mechanical or electronic means, which need not be transcribed, except upon review on the record.

16.5.460 DESIGN REVIEW BOARD – RIGHT OF PARTIES TO PRESENT EVIDENCE AT HEARINGS

1. At public hearings before the DRB, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.
2. The Chair may limit the speaking time allowed for interested parties to 5 minutes.

CHAPTER 16.6 - ENFORCEMENT

SECTIONS:

16.6.100	COMPLIANTS REGARDING VIOLATIONS
16.6.200	PROVISIONS OF THIS CODE DECLARED TO BE MINIMUM REQUIREMENTS
16.6.300	VIOLATION OF CODE PROHIBITED
16.6.400	PENALTY
16.6.500	ABATEMENT OF VIOLATIONS
16.6.600	STOP-ORDER HEARING
16.6.700	ENFORCEMENT AFTER PERMIT ISSUANCE
16.6.700	

16.6.100 COMPLAINTS REGARDING VIOLATIONS

- A. **Filing a Complaint:** Any interested person or organization having knowledge of a violation of the Comprehensive Plan and implementing ordinances, may report such violation on the forms provided by the Planning Director.
- B. **File complaint with Planning Director:** Such complaints, stating fully the causes and basis thereof, shall be filed with the Planning Director. The Planning Director shall properly record such complaints, investigate and take action thereon as provided by this Code.

16.6.200 PROVISIONS OF THIS CODE DECLARED TO BE MINIMUM REQUIREMENTS

- A. **Minimum requirements intended:** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. **Most restrictive requirements apply:** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

16.6.300 VIOLATIONS OF CODE PROHIBITED

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

16.6.400 PENALTY

- A. **Fine:** Any person or corporation who violates any provision of Titles 16 through 20 and Title 22 shall be subject, upon conviction, to a fine of not more than \$1,000.00 per day.

- B. Each Days Violation:** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of Violation:** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the City.
- D. Responsible Party:** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

16.6.500 ABATEMENT OF VIOLATIONS

The City Attorney, at the City Attorney's discretion, may employ appropriate legal remedy at law or equity; including criminal prosecution, when applicable, to enforce the provisions of the Comprehensive Plan, zoning, subdivision, land use procedures, and development ordinances, and any other Comprehensive Plan implementing ordinance.

No intent knowledge or other mental element is required to be proven in a prosecution under this chapter.

16.6.600 STOP-ORDER HEARING

- A. Stop order issued:** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Building Official may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized in writing by the city to continue.
- B. Appeal opportunity:** A person or organization that has been served a stop work order may appeal the decision by submitting a letter to the Planning Director requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within 30 days.
- C. Stop order hearing:** Such hearing may be:
1. part of a hearing on revocation of the underlying development approval; or
 2. solely to determine whether a violation has occurred.
 3. The City Council shall hold this hearing and shall make written findings as to the violation within 30 days. Upon finding a violation. The stop-order shall continue to be effective until the violating party furnishes sufficient proof to the City Recorder that the violation has been abated.

16.6.700 ENFORCEMENT AFTER PERMIT ISSUANCE

Enforcement remedies not affected by issuance of a development permit:

1. The issuance of a development permit shall not preclude the City from later seeking enforcement of any ordinance or Comprehensive Plan violation occurring as a result of the development permit without regard as to whether such violation could have been discovered prior to the issuance of the permit or expiration of the period for appeal of such a permit.
2. The review of the permit application by the Planning Director is intended to assist the developer in avoiding obvious violations before they occur and is not intended because of the time restrictions and nature of the materials reviewed, to be a final determination of the compliance with municipal ordinances or the Comprehensive Plan.

TITLE 17 – LAND USE DISTRICTS

CHAPTERS:

- 17.1 ORGANIZATION OF LAND USE DISTRICTS**
- 17.2 RESIDENTIAL DISTRICTS**
- 17.3 COMMERCIAL DISTRICTS**
- 17.4 INDUSTRIAL DISTRICTS**
- 17.5 OVERLAY DISTRICTS**

CHAPTER 17.1 – ORGANIZATION OF LAND USE DISTRICTS

Sections:

17.1.100 CLASSIFICATION OF LAND USE DISTRICTS

17.1.200 LAND USE DISTRICT MAP

17.1.300 DETERMINATION OF LAND USE DISTRICT BOUNDARIES

17.1.100 CLASSIFICATION OF LAND USE DISTRICTS

Every parcel, lot, and tract of land within the City limits of the City of Molalla is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable land use district and/or overlay zone. The applicable land use districts and overlay zone(s) are determined based on the Land Use District Map and the provisions of this Chapter, which shall be consistent with the City of Molalla’s Comprehensive Plan, as indicated in Table 17.1.100.

Table 17.1.100 Zoning District Symbology

<u>RESIDENTIAL</u>		<u>COMMERCIAL</u>	
<i>Low Density Residential</i>	<i>R-1</i>	<i>Central Business District</i>	<i>C-1</i>
<i>Medium Residential</i>	<i>R-2</i>	<i>General Commercial</i>	<i>C-2</i>
<i>Medium-High Density Residential</i>	<i>R-3</i>		
<i>Historic District</i>	<i>R-5</i>		
<i>Community Planning Area</i>	<i>CPA</i>		
<u>OVERLAY</u>		<u>INDUSTRIAL</u>	
<i>High Density Residential</i>	<i>HDR</i>	<i>Light Industrial</i>	<i>M-1</i>
<i>Highway Commercial</i>	<i>HC</i>	<i>Heavy Industrial</i>	<i>M-2</i>
<i>Support Commercial</i>	<i>SC</i>		
<i>Employment Zone</i>	<i>EZ</i>		
		<i>Public, Semi-Public</i>	<i>PSP</i>

17.1.200 LAND USE DISTRICT MAP

A. Consistency with Land Use District Map: The boundaries of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the map entitled, “City of Molalla Zoning Map,” retained by the City Recorder. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments, shall be maintained by the City.

B. Applicability of Land use Standards: Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

17.1.300 DETERMINATION OF LAND USE BOUNDARIES

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

- A. Rights-Of-Way:** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;
- B. Parcel, Lot, Tract:** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Jurisdiction Boundary:** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural Features:** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type II (Code Interpretation) procedure, in accordance with Chapter 19.8.

CHAPTER 17.2 – RESIDENTIAL LAND USE DISTRICTS

SECTIONS:

- 17.2.100 PURPOSE
- 17.2.110 ALLOWED LAND USES
- 17.2.112 R-1, SINGLE-FAMILY RESIDENTIAL
- 17.2.113 R-2, TWO-FAMILY RESIDENTIAL
- 17.2.114 R-3, MEDIUM DENSITY RESIDENTIAL
- 17.2.115 R-5, HISTORIC RESIDENTIAL
- 17.2.130 SETBACK YARDS AND BUILD TO LINE: EXCEPTIONS, FLAG LOTS
- 17.2.140 INFILL STANDARDS
- 17.2.150 HOUSING DENSITY
- 17.2.160 LOT COVERAGE
- 17.2.170 BUILDING HEIGHT: MEASUREMENT, EXCEPTIONS, STEP-DOWN REQUIREMENT, AND COLOR PALETTES
- 17.2.180 BUILDING ORIENTATION
- 17.2.190 ARCHITECTURAL DESIGN STANDARDS
- 17.2.200 SPECIAL USE STANDARDS

TABLES:

- 17.2.1 ALLOWED LAND USES
- 17.2.1 DEVELOPMENT STANDARDS

17.2.100 PURPOSE

The Residential Districts are intended to promote the livability, stability and improvement of the City's neighborhoods. The purpose of each individual zone is listed below with common principles established between all zoning districts listed towards the end of this purpose statement.

R-1, Low Density Residential District. To provide for urban density single-family residential development. Duplexes are allowed only on corner lots. This zoning shall be located throughout the City.

R-2, Medium Density Residential District. To provide for a mix of single-family detached and attached residences, accessory dwellings and duplexes that provide an intermediary density between the R-1 district and the R-3 district.

R-3, Medium-High Density Residential District. To provide for mixed residential development including single family detached and attached residences, duplexes and multi-family developments.

HDR, High Density Residential Overlay District. This district recognizes the importance of achieving higher residential densities along major streets near employment centers. This district may be applied to the R-3 base zone to ensure that multiple family developments are constructed at a minimum of 20 dwelling units per net buildable acre.

R-5, Historic District. Provide for the maintenance, creation, and/or development of the historic area of the City. Mixed types of housing shall be allowed. Housing shall resemble the character of the Colonial Revival style of American architecture during the “early 1900’s.” This district is intended to maintain the look and feel of the City’s historic areas while complementing the historic downtown central business district to create visual consistency in the central area of the City.

CPA, Community Planning Area. To provide for medium density mixed use commercial and residential development. This district shall serve as the major source of high-density residential use, with support from commercial activity in designated areas. The City may allow flexibility in design if compelled by market conditions; however, the City will continue to apply design criteria that reduce vehicular traffic and promote the pedestrian environment.

This chapter provides standards for land use and development in each of the 5 districts, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- Aid in the rendering of public services.
- Provide adequate open space for light and air.
- Enhance the appearance of the City.
- Facilitate the adequate provision of community utilities, and facilities such as water, sewage and electrical distribution systems, transportation, schools, parks and other public requirements.

- Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling, bus and equestrian use.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture and historic neighborhoods.

17.2.110 ALLOWED LAND USES

Table 17.2.1 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Title 16.

17.2.112 R-1, LOW DENSITY RESIDENTIAL

Development Standards

A. Density

1. Minimum 4 Dwelling Units Per Net Buildable Acre
2. Maximum 8 Dwelling Units Per Net Buildable Acre

B. Maximum Minimum Lot Area

Single-Family, detached	Duplex
7,000 sq ft	8,000 sq ft

C. Maximum Lot Coverages¹

Single-Family, detached	Duplex
50%	60%

D. Minimum Lot Width²

Single-Family, detached	Duplex
60 ft	60 ft

E. Minimum Lot Depth

Single-Family, detached	Duplex
80 ft	80 ft

¹ Maximum building coverage (foundation plane as % of site area). The allowable building coverage increases by a ratio of 1/2 square foot for every one square foot of required parking area that is paved using a City approved porous/permeable paving material (i.e. allowing stormwater infiltration) or 1/2 square foot of City approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.

² Lot area must conform to the standards. Lot dimensions may be reduced for flag lots.

F. Building Height Number/Number of Stories/Building Height Transition/Minimum Landscape Area (% of site area)

Max ³ Building Height	Max Number of Stories	Building Height Transition	Minimum ⁴ Landscape Area (% of site area)
30 ft	3 1/2	No	20%

G. Setbacks

1. Front

- a. 15 ft - Primary Building⁵
- b. 20 ft - Garages/Carports
- c. 10 ft - Porches, Balcony, Patio
- d. 20 ft - Accessory Structures (must be setback equal to the front setback but no less than

2. Interior Side

- a. 5 ft - Building (including garages/carports) 16' peak or less
- b. 2 ft - Porches, Balcony's & Patio's may project into a setback on buildings up to 16' peak or less
- c. 10 ft - Building (including garages/carports) over 16' in height
- d. 5 ft - Porches, Balcony's & Patio's may project into a setback on buildings over 16' in height
- e. 0 ft - Accessory Structures 199 sq ft and less⁶
- f. 5 ft - Accessory Structures 200 sq ft and greater
- g. 10 ft - Accessory Structures greater than 16' in height
- h. N/A - Common Walls/Zero Lot Lines
- i. 5 ft - Alleys

3. Street Side

- a. 15 ft - Building (including garages/carports)⁷
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 15 ft - Accessory Structures

³ The height of accessory structures shall not exceed the height of the primary structure on the property.

⁴ Except does not apply to single-family dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Chapter 18.2.

⁵ Must be in compliance with Section 17.2.140.

⁶ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

⁷ For single-family residences, this standard may be reduced to 6 ft where the front setback is equal to or greater than 60 feet.

4. Rear Side

- a. 15 ft - Building (including garages/carports)
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 0 ft - Accessory Structures 199 sq ft and less⁸
- d. 5 ft - Accessory Structures 200 sq ft and greater.
- e. 10 ft - Accessory Structures greater than 16' in height.
- f. N/A - Common Walls/Zero Lot Lines
- g. 2 ft - Alleys
- h. 30 ft - Setbacks shall be increased to the following along arterials

5. Fences, Retaining/Garden Walls

- a. 42 inches - Front Yard (from Garage setback)
- b. 6 ft - Interior Side Yard
- c. 6 ft - Rear
- d. 6 ft - Street Side

H. Permitted Uses

- 1. Single-Family (detached)
- 2. Duplex, corner lot only
- 3. Manufactured Home
- 4. Public park, playground, or recreational area, and buildings used in connection therewith
- 5. Group Home

I. Accessory Uses

- 1. Gardening & horticultural activities & related structures for non-commercial purposes
- 2. Home Occupation, pursuant to Section 19.9.200
- 3. Garages or carports
- 4. Indoor Recreation Facilities (non commercial)
- 5. Signs, subject to requirements of Chapter 18.8
- 6. Swimming pools as outlined in Chapter 21,40
- 7. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

J. Conditional Uses

- 1. Boarding Facilities
- 2. Golf Courses
- 3. Governmental Building
- 4. Noncommercial storage areas⁹

⁸ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

17.2 – Residential (R) Land Use Districts – Allowed Land Uses

5. Private, nursery, school, kindergarten, on daycare center¹⁰
6. Public, private, or parochial school
7. Public/Semi-Public building serving as a library, museum, or other similar purpose
8. Religious Institutions & Houses of Worship
9. Telecommunication facilities

17.2.113 R-2, MEDIUM DENSITY RESIDENTIAL

Development Standards

A. Density

1. Minimum 6 Dwelling Units Per Net Buildable Acre
2. Maximum 12 Dwelling Units Per Net Buildable Acre

B. Minimum Lot Area

Single-Family, detached	Single-Family, attached	Duplex
6,000 sq ft	3,000 sq ft	7,000 sq ft

C. Maximum Lot Coverages¹¹

Single-Family, detached	Single-Family, attached	Duplex
60%	60%	60%

D. Minimum Lot Width¹²

Single-Family, detached	Single-Family, attached	Duplex
60 ft	25 ft	60 ft

E. Minimum Lot Depth

Single-Family, detached	Single-Family, attached	Duplex
80 ft	60 ft	80 ft

⁹ Within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents of the subdivision or condominium development.

¹⁰ Only on lots having 10,000 square feet, provided there is established in connection therewith a play lot meeting the requirements of State Statute. The play lot shall be separated from adjoining properties by a site obscuring security fence.

¹¹ Maximum building coverage (foundation plane as % of site area). The allowable building coverage increases by a ratio of 1/2 square foot for every one square foot of required parking area that is paved using a City approved porous/permeable paving material (i.e. allowing stormwater infiltration) or 1/2 square foot of City approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.

¹² Lot area must conform to the standards. Lot dimensions may be reduced for flag lots.

F. Building Height Number/Number of Stories/Building Height Transition/Minimum Landscape Area (% of site area)

Max ¹³ Building Height	Max Number of Stories	Building Height Transition	Minimum ¹⁴ Landscape Area (% of site area)
30 ft	3 1/2	No	20%

G. Setbacks

1. Front

- a. 15 ft - Primary Building¹⁵
- b. 20 ft - Garages/Carports
- c. 10 ft - Porches, Balcony, Patio
- d. 20 ft - Accessory Structures (must be setback equal to the front setback but no less than

2. Interior Side

- a. 5 ft - Building (including garages/carports) 16' peak or less
- b. 2 ft - Porches, Balcony's & Patio's may project into a setback on buildings up to 16' peak or less
- c. 10 ft - Building (including garages/carports) over 16' in height
- d. 5 ft - Porches, Balcony's & Patio's may project into a setback on buildings over 16' in height
- e. 0 ft - Accessory Structures 199 sq ft and less¹⁶
- f. 5 ft - Accessory Structures 200 sq ft and greater
- g. 10 ft - Accessory Structures greater than 16' in height
- h. 0 ft - Common Walls/Zero Lot Lines
- i. 5 ft - Alleys

3. Street Side

- a. 15 ft - Building (including garages/carports)¹⁷
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 15 ft - Accessory Structures

¹³ The height of accessory structures shall not exceed the height of the primary structure on the property.

¹⁴ Except does not apply to single-family dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Chapter 18.2.

¹⁵ Must be in compliance with Section 17.2.140.

¹⁶ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

¹⁷ For single-family residences, this standard may be reduced to 6 ft where the front setback is equal to or greater than 60 feet.

4. Rear Side

- a. 15 ft - Building (including garages/carports)
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 0 ft - Accessory Structures 199 sq ft and less¹⁸
- d. 5 ft - Accessory Structures 200 sq ft and greater.
- e. 10 ft - Accessory Structures greater than 16' in height.
- f. N/A - Common Walls/Zero Lot Lines
- g. 2 ft - Alleys
- h. 30 ft - Setbacks shall be increased to the following along arterials

5. Fences, Retaining/Garden Walls

- a. 42 inches - Front Yard (from Garage setback)
- b. 6 ft - Interior Side Yard
- c. 6 ft - Rear
- d. 6 ft - Street Side

H. Permitted Uses

- 1. Single-Family (detached and attached)
- 2. Duplex
- 3. Group Home
- 4. Manufactured Home
- 5. Public park, playground, or recreational area, and buildings used in connection therewith

I. Accessory Uses

- 1. Gardening & horticultural activities & related structures for non-commercial purposes
- 2. Home Occupation, pursuant to Section 19.9.200
- 3. Garages or carports
- 4. Indoor Recreation Facilities (non commercial)
- 5. Signs, subject to requirements of Chapter 18.8
- 6. Swimming pools as outlined in Chapter 21.40
- 7. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

J. Conditional Uses

- 1. Golf Course
- 2. Governmental Building
- 3. Cemetery
- 4. Noncommercial storage areas¹⁹

¹⁸ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

17.2 – Residential (R) Land Use Districts – Allowed Land Uses

5. Private, nursery, school, kindergarten, on daycare center²⁰
6. Public/Semi-Public building serving as a library, museum, or other similar purpose
7. Public, Private or Parochial School
8. Religious Institutions & Houses of Worship
9. Telecommunication facilities

17.2.114 R-3, MEDIUM DENSITY RESIDENTIAL

Development Standards

A. Density

1. Minimum 8 Dwelling Units Per Net Buildable Acre
2. Maximum 24 Dwelling Units Per Net Buildable Acre

B. Minimum Lot Area

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
5,000 sq ft	2,500 sq ft	5,000 sq ft	5,000 sq ft plus 1,500 sq ft ea additional lot	7,000 sq ft

C. Maximum Lot Coverage's²¹

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
70%	70%	70%	70%	70%

D. Minimum Lot Width²²

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
50 ft	25 ft	60 ft	80 ft	50 ft

¹⁹ Within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents fo the subdivision or condominium development.

²⁰ Only on lots having 10,000 square feet, provided there is established in connection therewith a play lot meeting the requirements of State Statute. The play lot shall be separated from adjoining properties by a site obscuring security fence.

²¹ Maximum building coverage (foundation plane as % of site area). The allowable building coverage increases by a ratio of 1/2 square foot for every one square foot of required parking area that is paved using a City approved porous/permeable paving material (i.e. allowing stormwater infiltration) or 1/2 square foot of City approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.

²² Lot area must conform to the standards. Lot dimensions may be reduced for flag lots.

E. Minimum Lot Depth

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
80 ft	60 ft	80 ft	80 ft	80 ft

F. Building Height Number/Number of Stories/Building Height Transition/Minimum Landscape Area (% of site area)

Max ²³ Building Height	Max Number of Stories	Building Height Transition	Minimum ²⁴ Landscape Area (% of site area)
40 ft	3 1/2	Yes	10%

G. Setbacks

1. Front

- a. 20 ft - Primary Building²⁵
- b. 20 ft - Garages/Carports
- c. 10 ft - Porches, Balcony, Patio
- d. 20 ft - Accessory Structures (must be setback equal to the front setback but no less than

2. Interior Side

- a. 5 ft - Building (including garages/carports) 16' peak or less
- b. 2 ft - Porches, Balcony's & Patio's may project into a setback on buildings up to 16' peak or less
- c. 10 ft - Building (including garages/carports) over 16' in height
- d. 5 ft - Porches, Balcony's & Patio's may project into a setback on buildings over 16' in height
- e. 0 ft - Accessory Structures 199 sq ft and less²⁶
- f. 5 ft - Accessory Structures 200 sq ft and greater
- g. 10 ft - Accessory Structures greater than 16' in height
- h. 0 ft - Common Walls/Zero Lot Lines
- i. 5 ft - Alleys

²³ The height of accessory structures shall not exceed the height of the primary structure on the property.

²⁴ Except does not apply to single-family dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Chapter 18.2.

²⁵ Must be in compliance with Section 17.2.140.

²⁶ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

3. Street Side

- a. 15 ft - Building (including garages/carports)²⁷
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 15 ft - Accessory Structures

4. Rear Side

- a. 15 ft - Building (including garages/carports)
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 0 ft - Accessory Structures 199 sq ft and less²⁸
- d. 5 ft - Accessory Structures 200 sq ft and greater.
- e. 10 ft - Accessory Structures greater than 16' in height.
- f. 0 ft - Common Walls/Zero Lot Lines
- g. 2 ft - Alleys
- h. 30 ft - Setbacks shall be increased to the following along arterials

5. Fences, Retaining/Garden Walls

- a. 42 inches - Front Yard (from Garage setback)
- b. 6 ft - Interior Side Yard
- c. 6 ft - Rear
- d. 6 ft - Street Side

H. Permitted Uses

1. Single-Family (detached and attached)
2. Duplex
3. Manufactured Home
4. Multi-Family
5. Group Home
6. Group Facility
7. Laundry & Cleaning as an incidental use of a development, excludes dry cleaning
8. Public park, playground, or recreational area, and buildings used in connection therewith
9. Senior Housing

I. Accessory Uses

1. Gardening & horticultural activities & related structures for non-commercial purposes
2. Home Occupation, pursuant to Section 19.9.200
3. Garages or carports

²⁷ For single-family residences, this standard may be reduced to 6 ft where the front setback is equal to or greater than 60 feet.

²⁸ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

4. Indoor Recreation Facilities (non commercial)
5. Signs, subject to requirements of Chapter 18.8
6. Swimming pools as outlined in Chapter 21,40
7. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

J. Conditional Uses

1. Golf Course
2. Governmental Building
3. Bed & Breakfast
4. Cemetery
5. News Stands
6. Noncommercial storage areas²⁹
7. Private club, lodge, convent, social or recreation building or community assembly hall
8. Private, nursery, school, kindergarten, on daycare center³⁰
9. Public/Semi-Public building serving as a library, museum, or other similar purpose
10. Public, Private or Parochial School
11. Recreational Vehicle Camping Parks
12. Religious Institutions & Houses of Worship
13. Telecommunication facilities

17.2.115 R-5, HISTORIC RESIDENTIAL

Development Standards

A. Density

1. Minimum 6 Dwelling Units Per Net Buildable Acre
2. Maximum 24 Dwelling Units Per Net Buildable Acre

B. Minimum Lot Area

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
4,000 sq ft	2,500 sq ft	5,000 sq ft	5,000 sq ft plus 1,200 sq ft ea additional lot	7,000 sq ft

²⁹ Within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents of the subdivision or condominium development.

³⁰ Only on lots having 10,000 square feet, provided there is established in connection therewith a play lot meeting the requirements of State Statute. The play lot shall be separated from adjoining properties by a site obscuring security fence.

C. Maximum Lot Coverage's³¹

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
80%	70%	70%	70%	70%

D. Minimum Lot Width³²

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
40 ft	25 ft	50 ft	70 ft	50 ft

E. Minimum Lot Depth

Single Family, detached	Single-Family, attached	Duplex	Multi Family	Non-Residential Uses
80 ft	60 ft	80 ft	80 ft	80 ft

F. Building Height Number/Number of Stories/Building Height Transition/Minimum Landscape Area (% of site area)

Max ³³ Building Height	Max Number of Stories	Building Height Transition	Minimum ³⁴ Landscape Area (% of site area)
35 ft	3 1/2	Yes	7%

G. Setbacks

1. Front

- a. 15 ft - Primary Building³⁵
- b. 20 ft - Garages/Carports
- c. 10 ft - Porches, Balcony, Patio
- d. 20 ft - Accessory Structures (must be setback equal to the front setback but no less than

³¹ Maximum building coverage (foundation plane as % of site area). The allowable building coverage increases by a ratio of 1/2 square foot for every one square foot of required parking area that is paved using a City approved porous/permeable paving material (i.e. allowing stormwater infiltration) or 1/2 square foot of City approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.

³² Lot area must conform to the standards. Lot dimensions may be reduced for flag lots.

³³ The height of accessory structures shall not exceed the height of the primary structure on the property.

³⁴ Except does not apply to single-family dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Chapter 18.2.

³⁵ Must be in compliance with Section 17.2.140.

2. Interior Side

- a. 5 ft - Building (including garages/carports) 16' peak or less
- b. 2 ft - Porches, Balcony's & Patio's may project into a setback on buildings up to 16' peak or less
- c. 10 ft - Building (including garages/carports) over 16' in height
- d. 5 ft - Porches, Balcony's & Patio's may project into a setback on buildings over 16' in height
- e. 0 ft - Accessory Structures 199 sq ft and less³⁶
- f. 5 ft - Accessory Structures 200 sq ft and greater
- g. 10 ft - Accessory Structures greater than 16' in height
- h. 0 ft - Common Walls/Zero Lot Lines
- i. 5 ft - Alleys

3. Street Side

- a. 15 ft - Building (including garages/carports)³⁷
- b. 5 ft - Porches, Balcony's & Patio's may project into a setback
- c. 15 ft - Accessory Structures

4. Rear Side

- a. 5 ft - Building (including garages/carports)
- b. 2 ft - Porches, Balcony's & Patio's may project into a setback
- c. 0 ft - Accessory Structures 199 sq ft and less³⁸
- d. 5 ft - Accessory Structures 200 sq ft and greater.
- e. 10 ft - Accessory Structures greater than 16' in height.
- f. 0 ft - Common Walls/Zero Lot Lines
- g. 2 ft - Alleys
- h. 30 ft - Setbacks shall be increased to the following along arterials

5. Fences, Retaining/Garden Walls

- a. 42 inches - Front Yard (from Garage setback)
- b. 6 ft - Interior Side Yard
- c. 6 ft - Rear
- d. 6 ft - Street Side

H. Permitted Uses

1. Single-Family (detached and attached)

³⁶ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

³⁷ For single-family residences, this standard may be reduced to 6 ft where the front setback is equal to or greater than 60 feet.

³⁸ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

2. Duplex
3. Manufactured Home
4. Multi-Family
5. (Rowhouse / Townhouse)
6. Group Home
7. Group Facility
8. Laundry & Cleaning as an incidental use of a development, excludes dry cleaning
9. Public park, playground, or recreational area, and buildings used in connection therewith

I. Accessory Uses

1. Gardening & horticultural activities & related structures for non-commercial purposes
2. Home Occupation, pursuant to Section 19.9.200
3. Garages or carports
4. Indoor Recreation Facilities (non commercial)
5. Signs, subject to requirements of Chapter 18.8
6. Swimming pools as outlined in Chapter 21,40
7. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

J. Conditional Uses

1. Governmental Building
2. Bed & Breakfast
3. News Stands
4. Noncommercial storage areas³⁹
5. Private Club, lodge, convent, social or recreational building or community assembly hall
6. Private, nursery, school, kindergarten, on daycare center⁴⁰
7. Public/Semi-Public building serving as a library, museum, or other similar purpose
8. Public, Private or Parochial School
9. Religious Institutions & Houses of Worship
10. Senior Housing
11. Telecommunication facilities

³⁹ Within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents of the subdivision or condominium development.

⁴⁰ Only on lots having 10,000 square feet, provided there is established in connection therewith a play lot meeting the requirements of State Statute. The play lot shall be separated from adjoining properties by a site obscuring security fence.

17.2 – Residential (R) Land Use Districts – Allowed Land Uses

Table 17.2.1 - Land Uses Allowed in Residential Districts				
Uses	Status of Use in District			
Use Categories	R-1	R-2	R-3	R-5
Single-Family (not attached)	P	P	P	P
1 Duplex on Corner Lot	P	P	P	P
1 Duplex on Interior Lot	N	P	P	P
Gardening & Horticulture activities & related structures for non-commercial purposes	AU	AU	AU	AU
Golf Course ⁴¹	CU	CU	CU	N
Governmental building	CU	CU	CU	CU
Home Occupation, pursuant to Section 19.9.200	AU	AU	AU	AU
Manufactured Home	P	P	P	P
Multi-Family Residential	N	N	P	P
Group Home	P	P	P	P
Group Facility	N	N	P	P
Single Family Attached	N	N	P	P
Bed & Breakfast	N	N	CU	CU
Boarding Facilities	CU	N	N	N
Cemetery	N	CU	CU	N
Garages / Carports	AU	AU	AU	AU
Indoor Recreation Facilities (non commercial)	AU	AU	AU	AU
Laundry & Cleaning as an incidental use of development (excludes dry cleaning)	N	N	P	P
News Stands	N	N	CU	CU
Noncommercial Storage Areas ⁴²	CU	CU	CU	CU
Private club, lodge, convent, social or recreational building or community assembly hall ⁴³	N	N	CU	CU
Private nursery, school, kindergarten, or daycare center ⁴⁴	N	CU	CU	CU
Public/Semi-Public building serving as a library, museum, or other similar purpose	CU	CU	CU	CU
Public park, playground, or recreation area, and buildings used in connection therewith	P	P	P	P
Public, private, or parochial school	CU	CU	CU	CU
Senior Housing	P	P	P	P
Signs, subject to requirements of Chapter 18.8	AU	AU	AU	AU
Swimming pools as outlined in Chapter 21.40	AU	AU	AU	AU
Recreational Vehicle Camping Parks	N	N	CU	N
Religious Institutions & Houses of Worship	CU	CU	CU	CU
Telecommunication Facilities	CU	CU	CU	CU
Use customarily incidental & subordinate to a PRINCIPLE use permitted outright	AU	AU	AU	AU

⁴¹

⁴² Within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents of the subdivision or condominium development.

⁴³ Does not include those having a chief activity carried on for monetary gain.

⁴⁴ Only on lots having 10,000 square feet provided there is established in connection therewith a play lot meeting the requirements of State Statute. The play lot shall be separated from adjoining properties by a site obscuring security fence.

The development standards in Table 17.2.2 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts.

Table 17.2.2 - Development Standards for Residential Districts (except as modified by 17.2.140 - Residential Standards)				
Standard	R-1	R-2	R-3	R-5
Density (DU/NB acre) - Minimum and Maximum	4-8	12	12-24	6-24
Minimum Lot Area (sq ft)				
Single-Family, detached	7,000	6,000	5,000	4,000
Single-Family, attached		3,000	2,500	2,500
Duplex	8,000	7,000	5,000	5,000
Multi-Family			5,000 + 1,500 ea addtl	5,000 + 1,500 ea addtl
Non-Residential Uses	7,000	7,000	7,000	5,000
Minimum Lot Width				
Single-Family, detached	60 ft	60 ft	50 ft	40 ft
Single-Family, attached		25 ft	25 ft	25 ft
Duplex	70 ft	65 ft	60 ft	50 ft
Multi-Family			80 ft	80 ft
Non-Residential Uses	80 ft	80 ft	80 ft	80 ft
Minimum Lot Depth⁴⁵				
Single-Family, detached	80 ft	80 ft	80 ft	80 ft
Single-Family, attached		60 ft	60 ft	60 ft
Duplex	80 ft	80 ft	80 ft	80 ft
Multi-Family			80 ft	80 ft
Non-Residential Uses	80 ft	80 ft	80 ft	80 ft
Maximum Lot Coverages⁴⁶				
Single-Family, detached	50%	60%	70%	80%
Single-Family, attached		60%	70%	70%
Duplex	60%	60%	70%	70%
Multi-Family			70%	70%
Non-Residential Uses	70%	70%	70%	70%
Building Height⁴⁷	30 ft	35 ft	45 ft	35 ft
Number of Stories	3 1/2	3 1/2	3 1/2	3 1/2
Building Height Transition	No	No	Yes	Yes
Minimum Landscape Area (% of site area)⁴⁸	20	20	10	7
SETBACKS⁴⁹				
Minimum Setback (ft) - Front⁵⁰				
Primary Building	15	15	15	15
Garages/Carports	20	20	20	20
Porches, Balcony, Patio	10	10	10	10

⁴⁵ Lot area must conform to the standards. Lot dimensions may be reduced for flag lots.

⁴⁶ Maximum building coverage (foundation plane as % of the site area). The allowable building coverage increases by a ratio of 1/2 sq ft for every one sq ft of required parking area that is paved using City approved porous/permeable paving material (i.e. allowing stormwater infiltration) or 1/2 sq ft of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.

⁴⁷ The height of the accessory structure shall not exceed the height of the primary structure on the property.

⁴⁸ Except does not apply to Single-Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Chapter 18.2.

⁴⁹ All setbacks shall be increased to 30 feet when abutting an arterial.

⁵⁰ Must be in compliance with Section 17.2.140.

17.2 – Residential (R) Land Use Districts – Allowed Land Uses

Accessory Structures (must be setback equal to the front setback but no less than)	20	20	20	20
Table 17.2.2 - Development Standards for Residential Districts (except as modified by 17.2.140 - Residential Standards)				
Standard	R-1	R-2	R-3	R-5
Minimum Setback (ft) - Interior Side				
Building (Including garages/carports) 16' peak or less	5	5	5	5
Porches, Balcony's & Patio's may project into a setback on buildings up to 16' peak or less	2	2	2	2
Building (including garages/carports) over 16' in height	10	10	10	10
Porches, Balcony's & Patio's may project into a setback on buildings over 16' in height	5	5	5	5
Accessory Structures 199 sq ft and less ⁵¹	0	0	0	0
Accessory Structures 200 sq ft and greater	5	5	5	5
Accessory Structures greater than 16' in height	10	10	10	10
Common Walls/Zero Lot Lines	0	0	0	0
Alleys	5	5	5	5
Minimum Setback (ft) Street Side				
Building (including garages/carports) ⁵²	15	15	15	15
Porches, Balcony's & Patio's may project into a setback	5	5	5	5
Accessory Structures	15	15	15	15
Minimum Setback (ft) Rear				
Building (including garages/carports)	15	15	15	15
Porches, Balcony's & Patio's may project into a setback	5	5	5	2
Accessory Structures 199 sq ft and less ⁵³	0	0	0	0
Accessory Structures 200 sq ft and greater	5	5	5	5
Accessory Structures greater than 16' in height	10	10	10	10
Common Walls/Zero Lot Lines	N/A	0	0	0
Alleys	5	5	5	5
Fences, Retaining/Garden Walls				
Front Yard (from garage setback)	42"	42"	42"	42"
Interior Side Yard	6	6	6	6
Rear	6	6	6	6
Street Side	6	6	6	6

Key:

- P = Permitted, subject to site/development review
- CU = Conditional Use Permit required
- N = Not permitted
- AU = Accessory Uses

⁵¹ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

⁵² For single-family residences, this standard may be reduced to 6 feet where the front setback is equal to or greater than 60 feet.

⁵³ For zero lot setbacks on accessory structures a fire wall shall be required on the zero setback portion of the building.

17.2 – Residential (R) Land Use Districts – Development Standards

- A. All new developments shall:
1. Always avoid utility easements when building near property lines;
 2. Porches, balconies, and patios must be less than 50% enclosed on side elevations;
 3. On street side fences, retaining/garden walls the 6 foot height may be expanded to 8' with approval through a building permit.

17.2.130 RESIDENTIAL DISTRICTS - SETBACK YARDS AND BUILD – TO LINE: EXCEPTIONS, FRONTAGE LOTS, FLAG LOTS, AND COLOR PALETTES

A. Residential Yard Setbacks - Purpose

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 17.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities such as extra-wide sidewalks in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Setback Yards– Exceptions

The following architectural features may encroach into the setback yards by no more than 36 inches, provided that a setback of not less than thirty-six (36) inches is preserved, all applicable building and fire codes are met, and the clear vision standards in Section 18.1.200(N) are met. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches. Porches, decks and similar structures not exceeding 30 inches in height may encroach into setbacks. Walls and fences built on property lines are subject to the height standards in Table 17.1.120 and the provisions of Section 18.1.200(N), Vision Clearance, and Section 18.2.500, Fences and Walls.

The lot area, setback, or other open space, off-street parking, loading area which is required by this title for one use may not be used as the lot area, setback, other open space, off-street parking, loading area for another use, except for those sections of the development code which alleviate such requirements.

C. Setback Yards – Flag Lots

The front yard of a flag lot shall conform to one of the following:

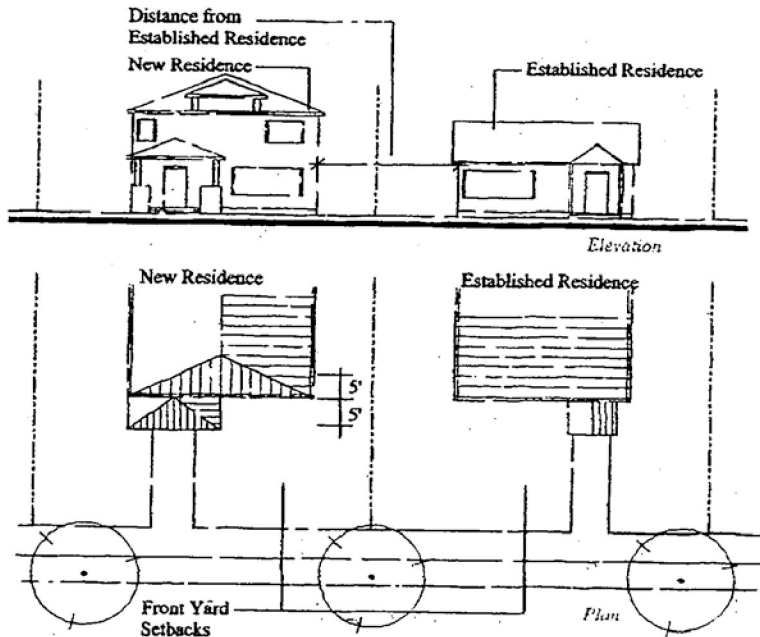
1. parallel to the street from which access is taken, or
2. parallel to the flag pole from which access is taken.

17.2.140 RESIDENTIAL DISTRICTS - INFILL STANDARDS

The purpose of Section 17.2.140 is to ensure compatibility of new development and redevelopment of existing subdivisions. The setback and building height standards in Section 17.2.140 supersede those in Table 17.2.120 when a building or partition is proposed on a subdivision lot in a Residential District that was platted prior to the effective date of this Development Code. The approval body shall use the criteria and standards in subsections A-C, below, in determining applicable setbacks and building heights.

- A. Compatibility with Yards of Adjacent Residence(s).** Except as provided in Section 17.2.140.C, when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a front yard setback that is greater than the minimum setback in Table 17.2.120, a front yard setback similar to that of the nearest single family residence(s) shall be used. “Similar” means the setback is equal to or within 10 percent of the setback provided by the nearest single family residence on the same side of the street. (Figure 17.2.140.A) For example, if the existing single family residence has a front yard setback of 30 feet, then the new building shall have a front yard setback between 27 feet and 33 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be the average setback of both adjacent residences, plus or minus 10 percent.

Figure 17.2.140.A – Residential Infill Front Yards



- B. Compatibility with Building Height of Adjacent Residence(s).** Except as provided in Section 17.2.140(C), when an existing single family residence is located within 40 feet of the subject site on the same side of the street, and said residence has a building height that is less than the maximum building height allowed in Table 17.2.120, a building height similar to that of the nearest single family residence(s) shall be used. “Similar” means the building height is not more than 110 percent of the height of the nearest single family residence on the same side of the street. (Figure 17.2.140.) For example, if the existing single family residence has a height of 26 feet, then the new building shall have a height that does not exceed 28.6 feet. If the new building is to be located between two existing residences, then the height of the new building shall not exceed 110 percent of the average height of both adjacent buildings.
- C. Exception to Standard for Redevelopment Potential on Adjacent Lot(s).** The provisions of Section 17.2.140(A) do not apply when the approval body finds that the subject single family residential lots located within 40 feet of the subject site are “redevelopable.” Redevelopable, for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from the Clackamas County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards.

17.2.150 RESIDENTIAL DISTRICTS - HOUSING DENSITY

A. Residential Density Standard. 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 / subdivisions in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 17.2.120, except as provided below in subsections 1-3:

1. Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds 20 percent are exempt from the minimum density standard.
2. 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.
3. Partitions and construction of single-family homes on lots exceeding 22,000 square feet shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district.

B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated using the applicable density standard.
2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

17.2.160 RESIDENTIAL DISTRICTS LOT COVERAGE

- A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in Table 17.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios.

17.2.170 RESIDENTIAL DISTRICTS - BUILDING HEIGHT: MEASUREMENT, EXCEPTIONS, STEP-DOWN REQUIREMENT

Building heights shall conform to the standards in Table 17.2.120, and subsections A-C, below:

A. Building Height Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be determined by using the criteria in 1 or 2 below, whichever yields a greater height:

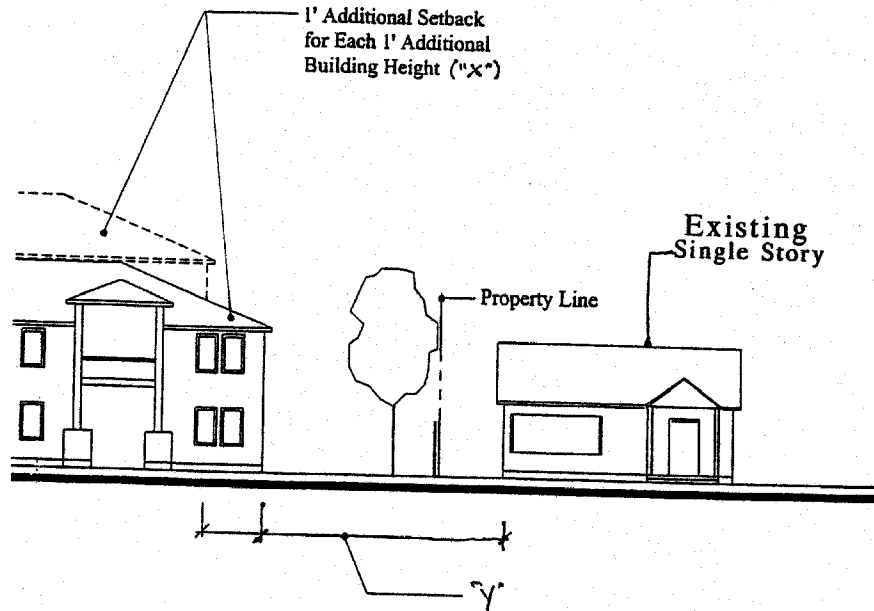
1. The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 is more than 10 feet above the lowest grade.

B. Exclusions from Maximum Building Height Standards. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy, and with a width, depth, or diameter of 5 feet or less may exceed the maximum building height standards by 10 feet, or 5 feet above the highest point of the roof, whichever is greater provided that all applicable fire and building codes are met. Those projections that exceed 5 feet in width, depth or diameter are subject to the height limitations of the underlying zoning district.

C. Height Step-down – District Transition. To provide compatible scale and relationships between new multi-story buildings and existing single-story dwellings in the R-1 District, multi-story buildings and structures in R-3, HDR, R-5, CPA, C-1, C-2, C-3, M-1, M-2, CM districts shall “step-down” to create a building height transition to adjacent single-story building(s) in the R-1 District, as provided in subsections 1-3, below:

1. This standard applies to new and vertically expanded buildings and structures in any district that are within 40 feet (as measured horizontally) of an existing single-story building in the R-1 District with a height of 20 feet or less, as shown in Figure 17.2.170(C).
2. The transition standard is met when the height of the taller structure (“x”) does not exceed one (1) foot of height for every 1 foot separating the two structures (“y”), as shown in Figure 17.2.170(C).

Figure 17.2.170(C) – R-1 Height Step-Down/Transition



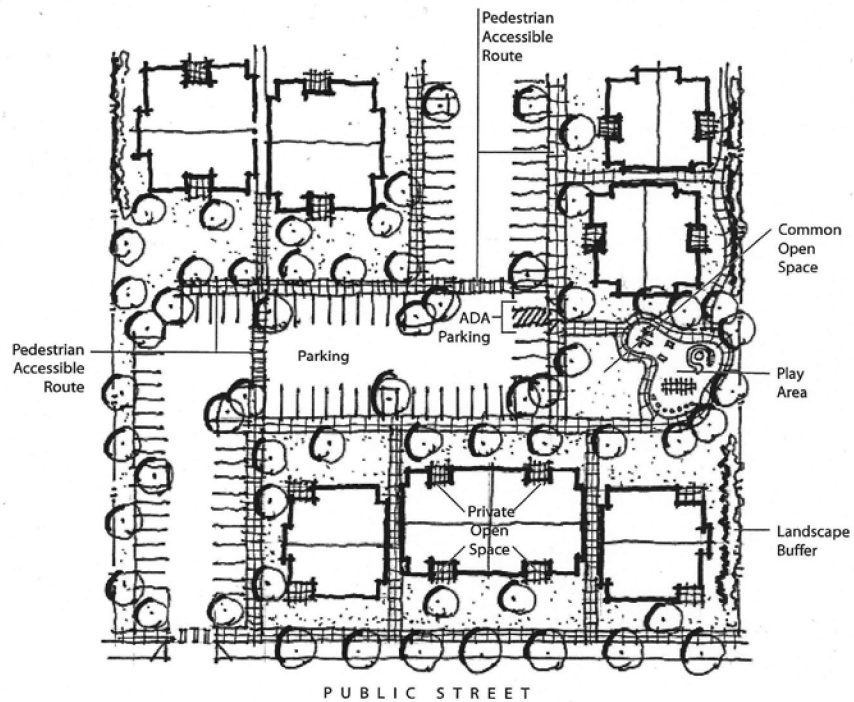
3. Exception: The provisions of subsections (1-2) above do not apply when the approval body finds that the subject single story buildings located within 40 feet of the subject site are “redevelopable.” Redevelopable, for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Clackamas County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards.

17.2.180 RESIDENTIAL DISTRICTS - BUILDING ORIENTATION

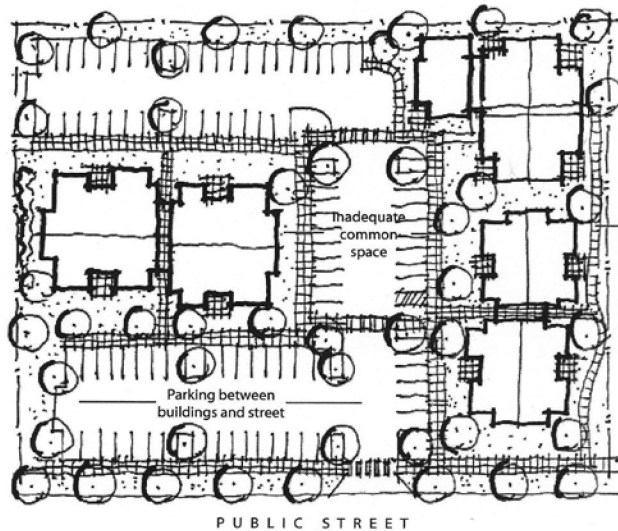
- A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 17.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application.
- C. Building orientation standards.** All developments that are subject to Section 17.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:
1. Compliance with the setback and build-to line standards in Table 17.2.120;
 2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than 40 feet from a street sidewalk. See Figures 17.2.180(C.1);

Figure 17.2.180.C(1) – Residential District Building Orientation

Acceptable



Not Acceptable

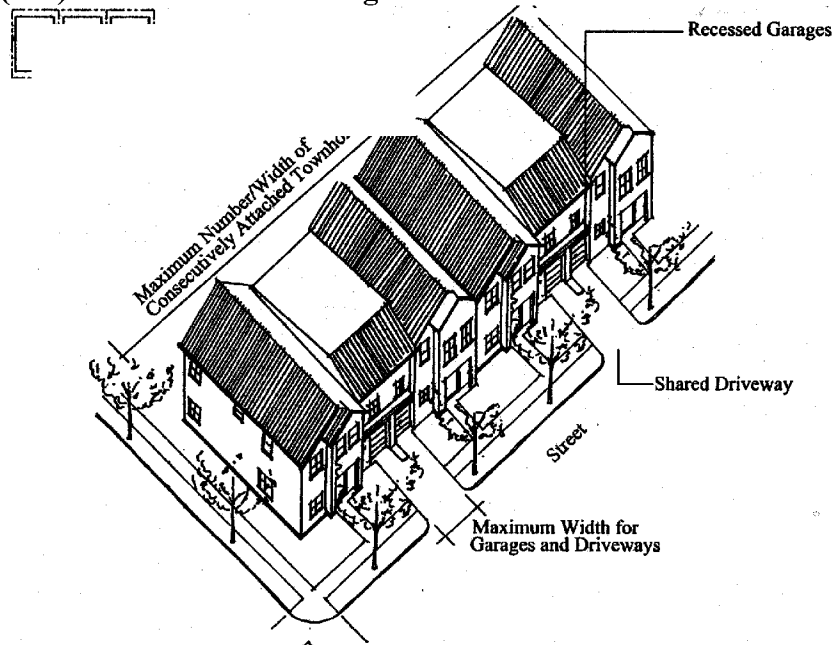


3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 17.2.180C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:

17.2 – Residential (R) Land Use Districts – Building Orientation

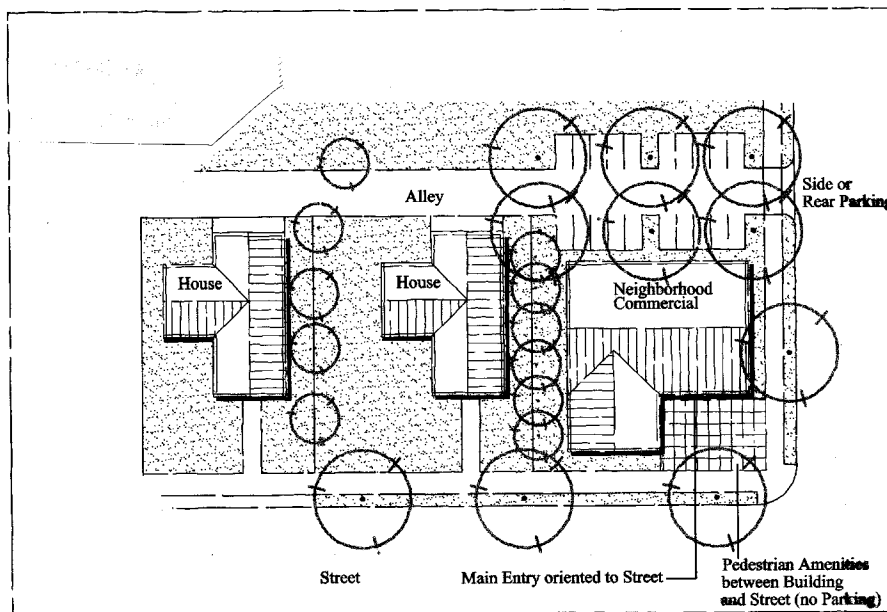
- a. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 17.2.180(C.2):
 - 1) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 20 feet in width where it crosses the sidewalk and intersects the street;
 - 2) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three feet wide;
 - 3) The maximum number consecutively attached townhomes with garages facing the same street is 4 (two driveways); and
 - 4) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished by recessing the garage behind the front building elevation.

Figure 17.2.180(C.1) – Townhome Building Orientation



- b. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 17.2.180(C.3). Off-street parking shall not be located between any building and any street.

Figure 17.2.180(C.3) – Commercial Orientation in a Residential District



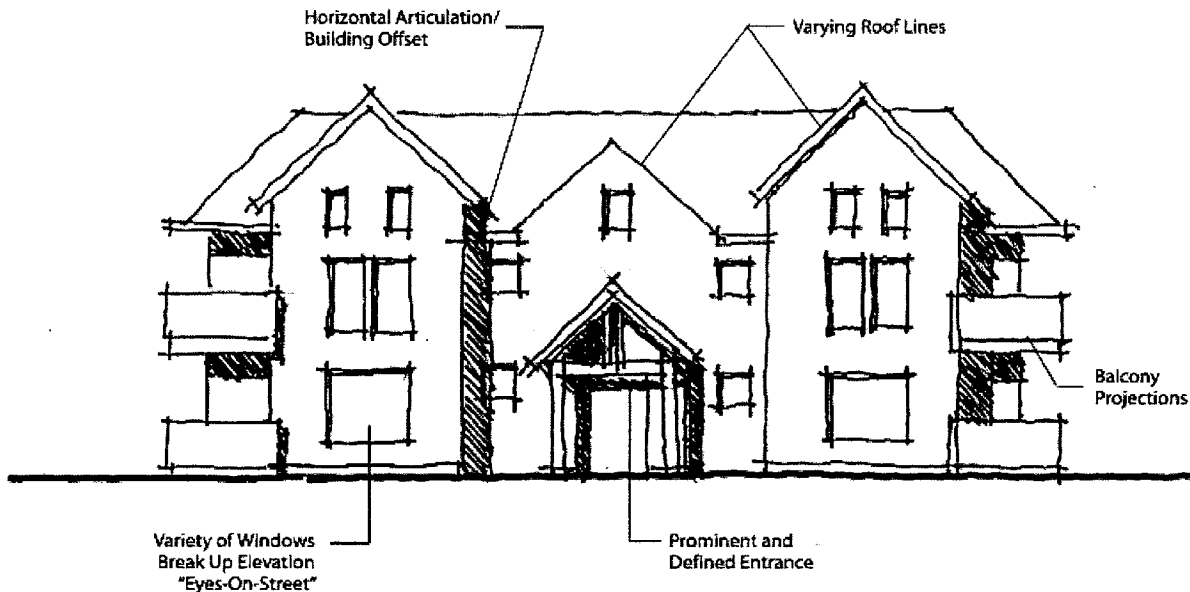
17.2 – Residential (R) Land Use Districts – Building Orientation

4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 18.1.300. See example in Figure 17.2.180(C.1) “acceptable site plan.”

17.2.190 RESIDENTIAL DISTRICTS - ARCHITECTURAL DESIGN STANDARDS

- A. Purpose. The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.
- B. Applicability. Section 17.2.190 applies to all new buildings, except accessory structures. It is applied through the Land Use Review or Site Design Review procedure, as applicable, prior to building permit review and approval.
- C. Standards. All projects that are subject to Section 17.2.190 shall meet all of the standards in subsections 1-7. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (*i.e.*, as shown Figures 17.2.190(C.1 and 2)) may be used to comply with more than one standard.
1. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 160 feet.
 2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements, as generally shown in Figure 17.2.190C(2):
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height;

Figure 17.2.190(C.1) - Building Length and Articulation (Multi-family Housing Example)



3. Eyes on the Street. All building elevations visible from a street right of way shall provide prominent defined entrances, and a combination of windows, porches, and/or balconies. A minimum of 50 percent of front (*i.e.*, street-facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard, as generally shown in Figure 17.2.190(C.2), above. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

4. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least 6 of the architectural features in items "a" through "m," below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants, and it is not within the approval body's authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item "n"), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation such as:
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries or portico
 - e. Cupolas or towers
 - f. Pillars or posts
 - g. Eaves (minimum 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)

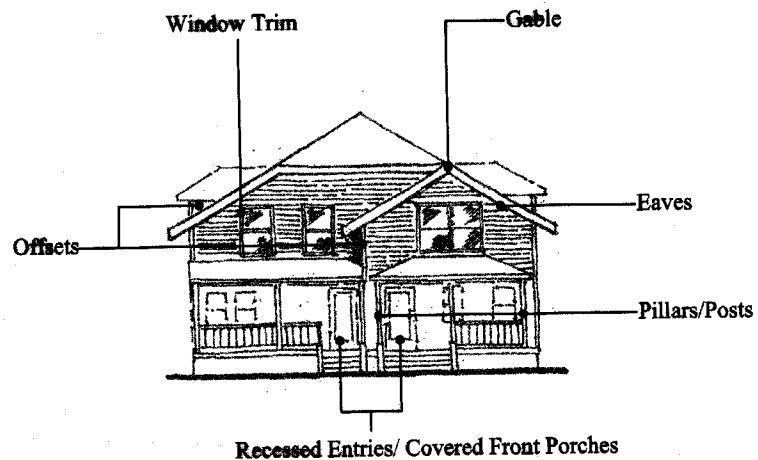
- i. Window trim (minimum 3 inches wide)
 - j. Bay Windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornice or pediment (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options a through m, as approved through Site Design Review.
5. Building Design. Developments in the R-3, R-5, and CPA zones shall incorporate traditional building materials such as natural timbers, stone, and brick.
6. Historic Buildings. Remodeling work on historical buildings shall not destroy the distinguishing character of the property and its environment.
7. Pedestrian Circulation and Access.
- a. Wherever practicable, the entry points of required access ways shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections;
 - b. Shall be included where practicable and shall provide reasonably direct access to the development;
 - c. Pedestrian/bicycle access ways shall be provided to other adjacent development and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;
 - d. Accessways shall be included to:
 - 1) Connect with existing or approved accessways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.
 - 2) Provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.
 - 3) Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.
 - e. The length of pedestrian / bicycle accessways between public streets shall not exceed 1,000 feet
 - f. Such accessways shall be free of horizontal obstruction and shall have a 9 ½ foot vertical clearance measured from the highest point on the ground at placement.

17.2 – Residential (R) Land Use Districts – Architectural Design

- 1) To safely accommodate both pedestrians and bicycles, the right-of-way widths of such accessways shall be as follows:
 - a) The accessways shall have a minimum 15 foot wide right-of-way with a minimum 10 foot wide paved surface.
 - b) If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least 20 feet with a minimum 15 foot wide paved surface.
- g. When the pedestrian circulation system is parallel and adjacent to an auto travel lane it shall be improved by raising the walkway or separating it from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier enhancing pedestrian safety. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps as approved in the public works design standards.
- h. Wherever practicable, accessways shall have a maximum slope of 5 percent and shall avoid the use of stairways as part of the accessway.

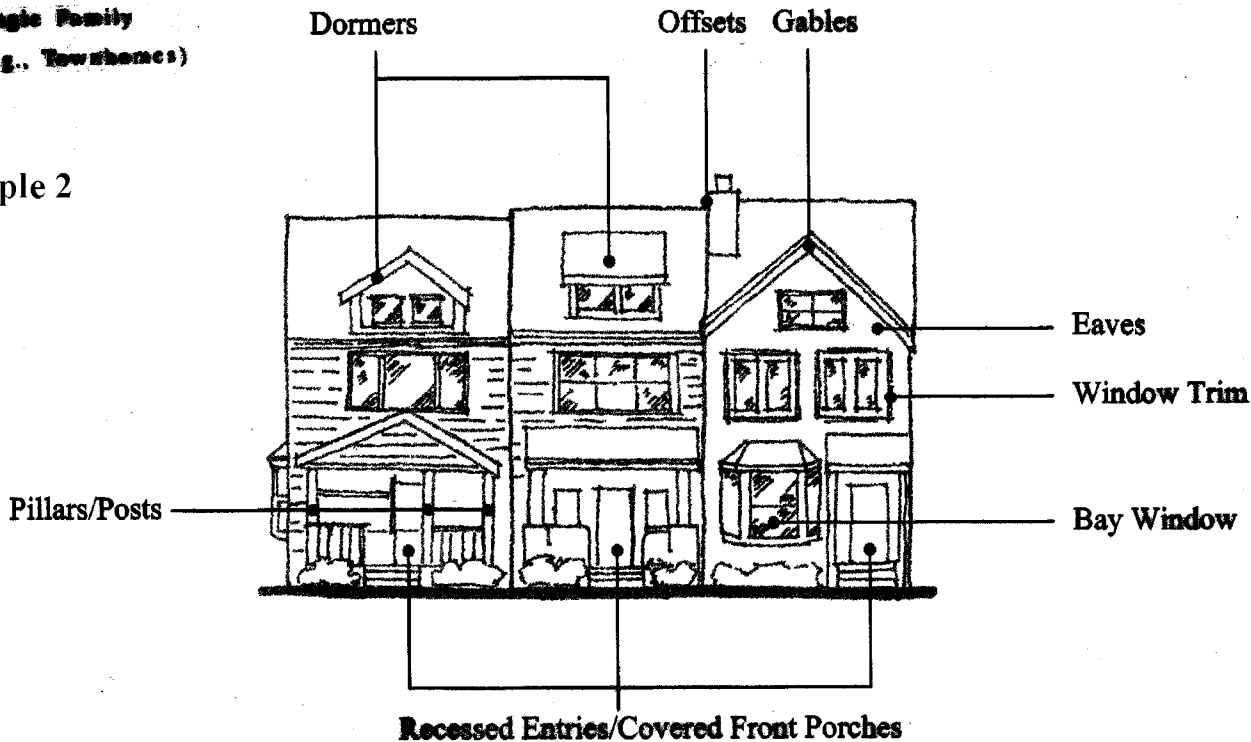
Figure 17.2.190(C.2) - Examples of Architectural Elements (illustrative only)

Example 1



**Single Family
(e.g., Townhomes)**

Example 2



Multi-Family Housing

Example 3



8. Color Palette. Development in the R-5 and CPA zones shall conform to the color palettes for building facades, building trim and signage.

- a. Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;
- b. Base, trim and sign colors shall complement one another;
 - 1) Base. Acceptable colors shall complement one another.
 - 2) Trim.
 - a) Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each face of a building's exterior.
 - b) Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing façade, that building is entitled to display up to 20 percent of the street-facing façade with the colors listed on the trim palette.
 - 3) Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.
- c. Neon colors are prohibited;
- d. Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:
 - 1) A color rendering of the building illustrating the proposed color to be used;
 - 2) A color scheme of the surrounding structures;
 - 3) A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;
 - 4) Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be process in the same manner as code language interpretation outlined in Chapter 19.8.

17.2.200 – RESIDENTIAL DISTRICTS – SPECIAL USE STANDARDS

Section 17.2.200 provides standards for specific land uses and building types, as identified in Table 17.2.110, that control the scale and compatibility of those uses within the Residential District. The standards in Section 17.2.200 supplement (are in addition to and do not replace) the standards in Sections 17.2.100 through 17.2.190. This Section applies to the following uses and building types, as specified in subsections A-J:

- Attached Single Family (Townhouses or Row houses) and Duplexes
- Bed and Breakfast Inns
- Group Living (Residential Care Homes and Facilities)
- Home Occupations
- Manufactured Homes
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall)
- R-5, Historic Residential Zone
- Equestrian Residential
- Golf Courses
- Community Planning Area

A. Attached Single Family (Townhouses and Row houses) and Duplexes. Single-family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain 3 or more consecutively attached single family dwellings, and developments with 2 or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Section 18.4.100, Transportation Standards, and

Chapter 19..3, Land Divisions.

2. Common Areas. Any common areas (*e.g.*, landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
3. Configuration and Facades. Primary dwelling front facades shall be designed with at least two balconies or bay windows. Facades facing a public street or designated access way shall not consist of a blank wall. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head and sill.
4. Entries and Porches. Porches are required for each unit and must be located immediately adjacent to the primary entry. Porches may be located within 15 feet of the street. Porches must cover at least 50 percent of the primary façade (not including the garage) with a net depth of at least 6 feet.
5. Roofs. Hipped, gambrel or gabled roofs are required. Flat, sheet metal, plastic, or Spanish tile are not permitted roof types.
6. Accessory Dwellings.
 - a. A maximum of two accessory structures may be permitted subject to lot coverage limitations.
 - b. An accessory structure and its projections shall be detached and separated from other structures by at least three feet.
 - c. Accessory structures shall be built with the same material and in the same style as the primary structure.
 - d. Only one accessory structure may exceed 100 square feet in area. Those greater than 100 square feet shall meet the following requirements:
 - 1) The accessory structure shall be constructed with similar exterior building materials as that to the primary dwelling.
 - 2) The square footage of the accessory structure shall not exceed either 500 square feet or the square footage of the ground floor of the primary dwelling, whichever is less.
 - e. The accessory structure shall not exceed either 16' in height or the height of the primary dwelling whichever is less.
 - f. Accessory structures shall not be placed between the front façade of the primary unit and the front lot line.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Attached Single Family/Duplexes

7. Off-Street Parking. At least one off-street parking space shall be located in a garage. No required parking or loading space shall be used for storing a recreational vehicle, camper, or boat.
8. Garage / Driveway Requirements. Garages shall be located off of Alley's whenever feasible. Garages and driveways shall also abide by the following requirements:
 - a. A front access attached garage contained within the dwelling structure shall be recessed at least two feet behind the front façade (not including porches, bays and other architectural features) and at least twenty feet from the street right-of-way.
 - b. Front facades, which are above front access garages, shall have one or more windows or an architectural feature placed above the garage opening.
 - c. If located in the front, the garage opening and the driveway shall not exceed a width of ten feet.
 - d. Tandem (end-to-end) parking is permitted.

B. Bed and Breakfast Inns. Bed and Breakfast Inns are permitted in the R-2, R-3, R-4, and R-5 Residential Districts, and shall comply with all of the following standards.

1. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.
2. Maximum Size. In the R-2 zone, 4 bedrooms for guests, and a maximum of 8 guests are permitted per night; in the R-3, R-4, and R-5 zones, 12 bedrooms are allowed for guests, with a maximum of 24 guests per night. No separate structures are permitted, except for customary residential accessory structures.
3. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
4. Employees. Up to 2 non-resident employees. There is no limit on residential employees.
5. Food Service. May be provided only to overnight guests of the business.
6. Owner-Occupied. Shall be owner-occupied.
7. Signs. Signs shall not exceed a total of 4 square feet of surface area on all sides.
8. Business License. The Conditional Use Permit for a Bed and Breakfast Use or Vacation Rental Unit must be renewed every 2 years.

C. Group Living (Residential Care Homes and Facilities). Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons 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. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. Parking. Parking in accordance with Chapter 18.3.
3. Site Development Review. Site Development Review shall be required for new structures to be used as residential care homes or facilities, to ensure compliance with the licensing, parking, and other requirements of this Code.

D. Home Occupations. 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. Home occupations are activities accessory to uses in the residential districts and special regulations apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. These regulations ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. Two types of home occupations are contemplated by this Code: 1) Type I Home Occupations, and 2) Type II Home Occupations. Home Occupations shall follow the regulations under Section 19.9.200.

Type I Standards for Home Occupations

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 development permit approval).
 - d. No products and 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) 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 not be allowed in any structure.

3. Employees:

- a. No employees other than family members residing within the dwelling located on the home occupation are allowed. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. 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.

4. Advertising and Signs: Signs shall comply with all applicable sign regulations for the district in which the home occupation occurs. In no case shall a sign in the Residential District exceed six square feet of surface area on all sides. Vehicles shall not bear the name of the home based business as in an attempt to circumvent these requirements.

5. Vehicles, Parking and Traffic:

- a. No vehicle which requires a commercial driver’s license to operate may be parked at the site.
- b. No heavy equipment may be parked or stored at the site.
- c. No more than one commercial truck or vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- d. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8pm to 8am. Vehicles for delivery and pick-up are limited to those normally servicing residential neighborhoods.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Home Occupations

- e. There shall be no more than one client’s or customer’s vehicle at any one time and no more than eight per day at the home occupation site. Customer visits are limited to the hours from 8am to 8pm daily.
 - 1) One additional customer may overlap an existing customer by no more than 1/2 hour.
- 6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 8 p.m. only, Monday through Friday subject to subsections 1 and 5, above.
- 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 type of repair or assembly of vehicles or equipment with internal combustion engines such as, but not limited to; autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, other small engines, large appliances such as; washing machines, dryers, and refrigerators or any other work related to automobiles and their parts, as an occupation, is prohibited.
 - c. Any activity involving on-site retail sales, including garage sales, 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 home business is allowed subject to 1-6, above.
 - d. Garages shall remain available for parking and shall not be used for the home occupation to a level that does not allow the garage to be used for its primary function which is to house a vehicle.
 - e. 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; and
 - 4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: The Planning Director or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 16.6.
9. Exemptions: Family daycare for up to 12 children, including the children of the provider, is exempt from the regulations of this chapter. No more than one home occupation may be established per dwelling unit.
10. Noise: No home occupation shall generate noise which is in violation of the cities noise ordinance. Documentation shall be made during the application process of any tools or devices that may be used that generates noise. The documentation shall agree that all machinery shall be in compliance of the cities noise ordinance.

Type II Standards for Home Occupations

Type II home Occupations shall meet the requirements of the Type I Home Occupation with an exception to the Employee’s section. The change between a Type II Home Occupation permit is listed below.

1. Employees:
 - a. Type II Home Occupations allow the employment of no more than one individual, who may work during hours when customers are allowed at the site.
 - b. An employee may not be used when a resident is absent from the location for more than 30 days in any calendar year.

E. Manufactured Homes. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that exist prior to the date of this Code.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used throughout the community (*e.g.*, horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
4. Garages and Carports. The manufactured dwelling shall have a garage, or carport constructed of like materials used on the house;
5. 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;
6. 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 12 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 12 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted.
8. Development Standards. Manufactured homes are subject to the same development standards, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject to;
9. Prohibited. The manufactured home shall not be located in a designated historic district.
10. Used as a Permanent Residence. The use of a manufactured home as a permanent residence for a night watchman or caretaker shall be process subject to the provisions of Section 17.2.100(E). In addition, such use shall meet the following requirements:
 - a. An improved parking area shall be provided on the manufactured home site.
 - b. Landscaping shall be provided on the manufactured home site.

11. The following standards apply to manufactured homes on individual lots within Planned Unit Developments and Historic District Overlays manufactured homes:
 - a. Have a minimum eave extension of 6 inches;
 - b. Utilize at least 5 of the following design features to provide visual relief:
 - 1) Dormers
 - 2) Gables
 - 3) Recessed Entries
 - 4) Covered Porch Entries
 - 5) Cupolas
 - 6) Bay or Bay Windows
 - 7) Garage
 - 8) Window Shutters
 - 9) Sky Lights
 - 10) Attached Deck
 - 11) Offsets on building face or roof (min. 16 inches)
 - 12) Roof pitch of 5/12 or greater
 - 13) Minimum eave extension of 12 inches, including gutters

F. Manufactured/Mobile Home Parks. Manufactured/mobile home parks (not including recreational vehicles) are permitted in the R-2 and R-3 zones on parcels a minimum of one acre and a maximum of 2 acres in size, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single family residences, manufactured home 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). No new parks shall be established without first receiving approval of the Planning Commission.
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 11 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 25 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

4. Perimeter landscaping. Manufactured dwelling parks shall be screened or buffered from adjacent property by:
 - a. 6 foot tall sight obscuring fence/wall, except in vision clearance areas.
 - b. Provide evergreens or other suitable plantings as approved by the Planning Director.
 - c. Fifteen foot wide vegetative buffer around the perimeter of the development and along all rights-of-way.

A landscaping plan drawn to scale shall be submitted with the preliminary plan showing the following:

- 1) Every mobile home park shall provide a visual buffer of evergreen, or other screening/planting, along all boundaries of the mobile home park site abutting public records or property lines except for points of ingress and egress, with the exception of dwellings fronting and accessing a public dedicated street. Plantings shall not be less than 5 feet in height at time of planting and shall be maintained in a healthy, living condition for the life of the mobile home park.
 - 2) Landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.
 - 3) The landscaping plan shall show the location of all landscaped materials and include plant material, total number of individual plants being used, and proposed watering system. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
5. Accessory Structures. Normal accessory structures such as storage buildings, carports, cabanas, armadas and awnings may be located within a manufactured home lot.
 - a. Such accessories shall comply with setback requirements and be subject to State rules regulating construction and installation of manufactured home buildings and structures.
 - b. These accessories shall be considered as part of the manufactured home for determining the lot setbacks and other requirements.
 6. Requirements. The rules and regulations governing manufactured / mobile homes and facilities contained in ORS Chapter 446 and the Oregon Administrative Rules (OAR) shall apply to manufactured / mobile home parks. In addition to the provisions of this code, each application for a mobile home park shall provide description form the applicant explaining how it complies with ORS and OAR's rules governing such developments.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Manufactured/Mobile Home Parks

7. Approval Procedures. Manufactured home park applications shall be processed as a conditional use following Type III land use procedures.
8. Installation. Each manufactured home shall have 120 square feet of one or more wooden decks or slabs of patios of concrete, flagstone or equivalent material and one unit pad of crushed rock or greater, having a minimum size of 10 feet by 50 feet. Each manufactured home shall sit on a concrete pad. All mobile homes within the park shall be provided with skirting.
9. Street. Each lot in the park shall have direct access to a park street. Park streets shall meet the following criteria:
 - a. Park streets shall be continuous, connect to a public street and have a minimum width of 25 feet.
 - b. The point of access from park streets to public streets shall be at least 36 feet in width.
 - c. Park streets shall be improved to flag lot standards for the base.
 - d. The point of access from a lot to a park street shall be an unobstructed access no less than 14 feet in width.
 - e. A paved public sidewalk of not less than 5 feet in width shall be provided from each mobile home site to the public and private streets, common open spaces, recreational areas, and community owned buildings and facilities.
10. Parking. Each lot shall provide two off-street parking spaces. A minimum of one covered parking space per dwelling unit shall be provided. The unobstructed access to each manufactured home lot shall be used for parking.
11. Lighting. Streets and walkways designed for the general use of residents of the manufactured home park shall be lit during hours of darkness. Such lighting shall be installed in accordance with regulations adopted by the City.
12. Preliminary Site Plan Review. The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department on a form obtained from the Planning Director and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one inch representing 50 feet. The drawing shall show the following information:
 - a. Name of the property owner, the applicant, and the person who prepared the plan.
 - b. Name of the mobile home park and address.
 - c. Scale and north point of the plan.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Manufactured/Mobile Home Parks

- d. Vicinity map showing relationship of mobile home park to adjacent properties.
 - e. Boundaries and dimensions of the mobile home park.
 - f. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.
 - g. Location and dimensions of each existing or proposed structure.
 - h. Location and width of parks streets.
 - i. Location and width of walkways.
 - j. Location of each lighting fixture.
 - k. Location of recreational areas and buildings.
 - l. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.
 - m. Location of point where mobile home park water system connects with the public system.
 - n. Location of available fire and irrigation hydrants.
 - o. Location of public telephone service for the park.
 - p. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.
13. Final Site Plan Submission Requirements. At the time of application for final approval to construct a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies:
- a. New Structures.
 - b. Water supply and sewage disposal system.
 - c. Electrical systems.
 - d. Road, sidewalk, and patio construction.
 - e. Drainage system.
 - f. Recreation Area Improvements.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Manufactured/Mobile Home Parks

14. Separation. New parks shall be placed at least 500 feet from another mobile home park.

15. Other Site Requirements:

- a. **Recreational Area:** Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site; however, every mobile home park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.
- b. **Accessories:** Accessory structures located on a mobile home site shall be limited to the normal accessories such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
- c. **Utilities:** All utilities including sewer, water, power, cable, telephone, and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.
- d. **Drainage:** A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.
- e. **Trash Areas:** All mobile home parks shall have shared trash and rubbish facilities and these area must also contain areas for recycling. These facilities shall be visually screened.
- f. **Lighting:** Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright. Also the lighting shall meet the requirements of the Molalla Municipal Code's Dark Sky's Ordinance.
- g. **Addressing:** Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be 4 inches in size and labeled in the vertical reading position (reading left to right).

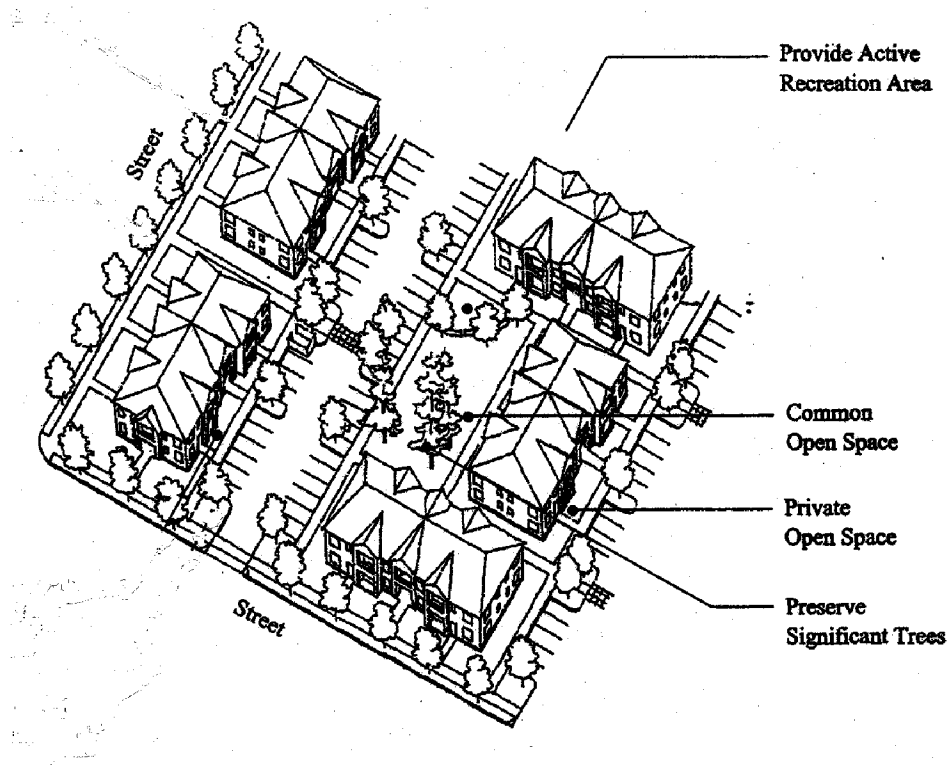
G. Multiple Family Housing. Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 17.2.200.H provides a conceptual illustration of the requirements listed below.

1. **Building mass.** The maximum width or length of a multiple family building shall not exceed 160 feet from end-wall to end-wall, not including outdoor living areas (*e.g.*, porches, balconies, patios, and similar unenclosed spaces).
2. **Common open space.** A minimum of 10 percent of the site area shall be designated and permanently reserved as common open space in multiple family developments with more than 20 dwellings, in accordance with all of the following criteria:
 - a. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (*e.g.*, public park or school grounds, etc.);
 - b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (*e.g.*, trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.
 - c. Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the Planning Commission / Design Review Board;
 - d. To receive credit under Section 17.2.200(G), a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;
 - e. Projects in the mixed use residential-commercial districts that provide pedestrian amenities between primary building entrance(s) and adjoining street(s) are required to provide a minimum of 5 percent of the site in common open space;
 - f. The approval body may waive the common open space requirement for the first 25 dwelling units in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (*i.e.*, Americans With Disabilities Act-compliant), lighted pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer to improve park land in an amount comparable to that which he or she would otherwise be required to provide in his or her development.
3. **Private open space.** Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

- a. A minimum of 60 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (*i.e.*, after grading and landscaping);
4. Perimeter Buffer. The perimeter buffer shall be a minimum of 4 feet in width. The buffer shall consist of permanently maintained vegetation and may be enclosed by a sight-obscuring fence. Such vegetation and fence shall not exceed the allowable heights and other provisions of the code.
5. Recreational Facilities. Developments shall provide at a minimum of 200 square feet of improved recreation space per dwelling unit.
6. Automobile. The following criteria shall be required to address the automobile:
 - a. Develop clear separation of living and parking areas.
 - b. Avoid breaking up the site into small building sites surrounded by parking or driveways.
 - c. Parking areas should be provided in discreet bays, or depressed courts, rather than vast “parking lots”
 - d. Parking areas shall be screened from the street view and from interior activity areas.
 - e. Parking and driveways shall be located so that the noise and fumes from automobiles will minimize disturbance to neighborhoods and residents of the development.
 - f. The development of landscape treatments, pedestrian paths, recreation areas, patios and the like shall be included in the development plan.
 - g. Private handicapped parking stalls shall be located near entrances.
7. Building Materials. The building materials and paint colors should be compatible with the surrounding area. Bright colors intended to attract attention to the buildings shall be discouraged.
8. Design Scheme. False front style of building design shall be avoided. A design scheme shall be throughout the building, not just on the street elevation.

Figure 17.2.200H – Examples of Multiple Family Open Space



9. Trash Receptacles. Trash receptacles 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 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

H. Zero-Lot Line Housing. Zero-lot line houses are subject to the same standards as non-attached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 2.2.200(H-1). The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-4, below:

1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. Setbacks for Primary and Accessory Structures. The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

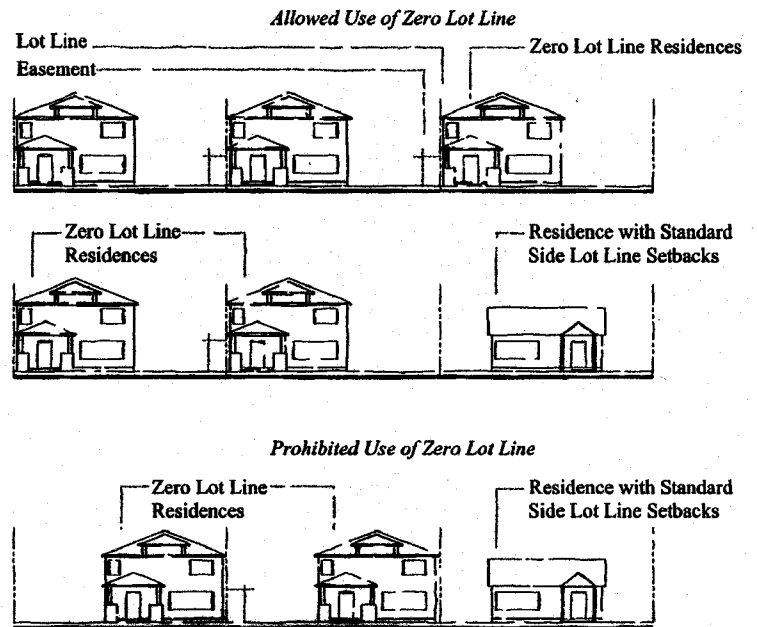
3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 10 feet;

4. Building Orientation and Design.

The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area.

Figure 17.2.200.H-1 – Zero-Lot Line Housing



- J. R-5 Historic District. All new development, including additions and remodels to existing structures, shall conform to the early 1900's style of development. The following design standards are required in the R-5 Historic Residential Zone:

1. Landscape materials should be hardy species that are adaptable to local conditions, easily maintained, and drought tolerant. Use of native plants is strongly encouraged.
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 Department.
3. Open storm water detention facilities shall be incorporated into project landscaping and open space where geographically feasible. These facilities shall be fenced, landscaped, and screened.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

4. Natural timber, brick, and/or stone shall be used on a minimum of 25 percent of the building visible from the public right-of-way.
5. New buildings, as well as additions and remodeling to existing buildings, should conform to the existing pattern of design elements within the CPA 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 ($\frac{1}{2}$) 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 required 8 feet in order to provide outdoor seating.
10. All single-family residences shall start at the 15 foot setback.
11. A brick look shall be incorporated into sidewalks. Stamped concrete shall be allowed.
12. Light posts resembling the early 1900's light posts as approved by the City shall be used within the development.
13. Promote pedestrian interaction.
14. Alleys are intended for pedestrian use. Alleys shall not have sidewalk or pedestrian accessways. Alleys shall be free of obstruction. All garage access shall occur off of alleys on new development or remodels.
15. Where alley's are available all garages shall be built off the alleys.

16. Porches/Covered Entries

a. All residential development shall have a front porch. In the case of single-family residences the following shall apply:

- 1) A minimum of 6 feet on each side of the entry door;
- 2) A minimum of 6 feet deep; and
- 3) Steps shall not encroach any closer than 3 feet to the sidewalk.

K. Equestrian Residential. All new development within the R-1 district which Master Plans through a Conditional Use Approval for an Equestrian Residential development

L. Golf Courses. All new development within the R-1 district which Master Plans through a Conditional Use Approval for a golf course

M. Community Planning Area. All new development, including additions and remodels to existing structures, should conform to an “early 1900’s” theme. In addition to the site design standards for commercial and residential districts, the following standards shall be applied to site design review in the Community Planning Areas:

1. Ground level outdoor enclosures shall be composed of materials similar to the main structure.
2. Screening material must be similar in material used on the primary structure.
3. Materials used for site features such as fences, screen walls, and signs should be appropriate to the zoning district where the development is located and should complement building design through materials, color, shape, and size. In all residential zones, fences with slats shall not be considered appropriate for screening material.
4. Developments should provide transition with adjacent uses especially regarding building location, size and scale. No single building or development should dominate adjacent uses in terms of size, bulk, view blockage, or shading.
5. Landscape materials should be hardy species that are adaptable to local conditions, easily maintained, and drought tolerant. Use of native plants is strongly encouraged.
6. The design for parking areas shall include deciduous and evergreen trees to provide shade and break up expanses of hard surfaces. One tree, with a minimum of 2½ to 3 inch caliper at the time of planting, shall be required for every two (2) to four (4) parking spaces. There should be no more than 10 spaces between landscaped islands or medians.
7. Landscape islands or medians shall have no dimensions narrower than 3 feet.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

8. Interior landscaping is required for parking lots containing 10 or more spaces at a ratio of 20 square feet per parking spot. Landscaped areas should be protected by wheel stops or curbing, or be of sufficient width to prevent damage to plants by overhanging vehicles.
9. Interior site landscaping is required to define pedestrian ways, enclose outdoor gathering and seating areas, and reduce building mass.
10. Architectural features such as low walls, water features, fountains, and sculptures may be used in places where planting areas are limited or restricted.
11. 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 Department.
12. Open stormwater water detention facilities shall be incorporated into project landscaping and open space where geographically feasible. These facilities shall be fenced, landscaped, and screened.
13. Each entrance shall have a unique entrance with the name of the business; on the door, in the concrete in front of the door, or above the door.
14. On buildings where there is space on either side of the building, signage must be displayed on the side projecting from the building.
15. Natural timber, brick, and/or stone shall be used on no less than 25 percent where feasible on the outer shell of the building visible from a public right-of-way..
16. Plans, reports and materials submitted by an applicant for any development project in the CPA as a part of design review shall specify whether any streets, open spaces, greenways, parks and other common areas are to be dedicated to the City or retained in private ownership. Where such areas are to remain privately owned, the applicant shall provide direct internal pedestrian connection accessways to the CBD, commercial and residential areas, parks and other public facilities. Easements for public use of all such internal pedestrian connections or perimeter public sidewalks to allow reasonably direct pedestrian access from one side of the development to the other in order to access public areas and the CBD.
17. Nothing throughout this code is intended to prevent the sale or purchase of a phased development project of any type to another party. The parties shall enter into binding legal agreements, to be submitted to Clackamas County for recording that assures that the new owner recognizes the development densities and other material characteristics of any approved project, project phase, or covenants.
18. All developments in the CPA shall be Master Planned.

19. New buildings, as well as additions and remodeling to existing buildings, should conform to the existing pattern of design elements within the CPA including:
 - a) Building height shall flow throughout the zone.
 - b) Proportion of front facades:
 - 1) Proportion of openings within the façade (windows and doors).
 - 2) Rhythm of solids and voids in front facades, building lines, materials, textures and colors.
 - 3) Architectural details.
 - 4) Roof shape.
 - 5) Landscaping.
 - 6) Ground cover and entry design.
20. All spaces in, around and adjacent to buildings, should be well defined as to who is responsible for their maintenance, intended use or function. Territoriality can be defined through the thoughtful use of landscaping details, fences and lighting, or well defined entries and transition spaces.
21. Activities within commercial buildings shall be visible from the street and pedestrian-ways encouraging visual connection between indoor and outdoor areas. Such visual connection creates interest and makes shopping more safe and attractive.
22. An average height throughout the development shall be established through the Master Planning process.
23. Entries should be specially defined with canopies, awnings and other building elements which help to identify them from pedestrian ways. Entries can be defined with building insets which provide a transition between the public walkways and the more private, commercial interiors of buildings. Entries should be conveniently lit at all times to eliminate dark, unsafe pockets.
24. Storefront seating for eating and take-out food services is especially encouraged along pedestrian walkways. The City should encourage and permit outdoor eating, displays, seating and merchandise within the public rights-of-way along sidewalks. Where such provisions are not practical, providing indentations or setbacks in the building façade can compliment seating and display areas.
 - a. In no case shall the width of a sidewalk be blocked to create an unobstructed width of less than 5 feet.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

25. 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 ($\frac{1}{2}$) floors at ground level exist, that area shall be brick but shall count toward the minimum requirement. Within commercial areas, brick, stone, and/or timber shall be incorporated into the design of the building.
 - a. In all cases stone and brick shall be inter-mixed within the design of the building.
26. 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.
27. All doors and windows shall be trimmed with timber fascia.
 - a. All doors shall have the look of timber.
28. All commercial development must be built to the property line facing a public street and separated only by a 12 foot wide sidewalk.
29. All parking shall be located at the rear of buildings and screened from public streets by a site obscuring fence.
30. Two to 3 stories may occur, however, once a height has been established in the area, that height shall be maintained throughout the CPA.
31. Residential occupancy may exist on the second, third, and $\frac{1}{2}$ floors. No building in the commercial section of the CPA shall display characteristics of a residential use.
32. Sidewalks may be increased beyond the required 8 feet in order to provide outdoor seating.
33. All single-family residences shall start at the 15 foot setback.
34. Turnout areas along streets shall be designated for temporary parking only.
35. Yard maintenance shall be commercially done through a home owners association.
36. Site characteristics:
 - a. A brick look shall be incorporated into sidewalks. Stamped concrete shall be allowed.

17.2 – Residential (R) Land Use Districts – Special Use Standards: Zero-Lot Line Housing

- b. Light posts as allowed in the light posts selection list shall be used within the development.
- c. Promote pedestrian interaction.
 - 1) Spaces for street level uses shall be designed to engage pedestrians with activities occurring within them. Sidewalk related spaces should appear safe, welcoming and open to the general public.
 - 2) The rears of property which face an alley must maintain an area in the same manner as required by the City for front yards. This means no storage or retention of vehicles which are visible to passersby.
 - 3) Alleys are not intended for pedestrian use. Alleys shall not have sidewalk or pedestrian accessways. Alleys shall be free of obstruction. All garage access shall occur off of alleys on new development or remodels.
- d. All garages shall be built off of alleys, when alleys are available.

37. Porches/Covered Entries

- a. All residential development shall have a front porch. In the case of single-family residences the following shall apply.
- b. A minimum of 6 feet on each side of the entry door.
- c. A minimum of 6 feet deep.
- d. Steps shall not encroach any closer than 3 feet to the sidewalk.

CHAPTER 17.3 — COMMERCIAL DISTRICTS

SECTIONS:

- 17.3.100 PURPOSE
- 17.3.112 CBD, CENTRAL BUSINESS DISTRICT
- 17.3.114 C-2, GENERAL COMMERCIAL
- 17.3.130 ZERO SETBACKS AND BUILD TO LINE
- 17.3.140 LOT COVERAGE
- 17.3.150 BUILDING ORIENTATION & COMMERCIAL BLOCK LAYOUT
- 17.3.160 BUILDING & STRUCTURE HEIGHT
- 17.3.170 ARCHITECTURAL DESIGN STANDARDS
- 17.3.180 PEDESTRIAN AMENITIES
- 17.3.190 SPECIAL USE STANDARDS

TABLES:

- 17.3.1 ALLOWED LAND USES
- 17.3.2 DEVELOPMENT STANDARDS

17.3.100 COMMERCIAL DISTRICTS PURPOSE

These districts are intended to:

- Promote efficient use of land and urban services;
- Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- Provide formal and informal community gathering places and opportunities for socialization (*i.e.*, along an active street front);
- Encourage pedestrian-oriented development in all commercial areas;
- Create a distinct storefront character in the Central Business District;
- Provide connections to and appropriate transitions between residential areas and commercial areas;
- Provide for visitor accommodations and tourist amenities;
- Encourage transit-supportive development to reduce reliance on the automobile and to minimize the need for off-street parking.
- Implement design standards / guidelines that maintain and enhance the City’s historic architecture.
- Capitalize on the vision of Molalla as a recreation-oriented community.

Commercial districts are centers of business and civic life. This Chapter provides two commercial districts and one overlay districts to accommodate the range of commercial land uses in the community. The districts purposes are as follows:

C-1, Central Business District. To provide the principle shopping, business, and transportation to the community and its trading area. This district allows for a broad range of uses in keeping with Molalla’s historic commercial area. Development is intended to be characterized by high building coverage and close placement of buildings to streets. Development is also to be pedestrian oriented with an emphasis on a visually appealing streetscape while addressing the needs for residential living within the downtown area.

C-2, General Commercial District. To provide the principle shopping, business and transportation development to serve the community and its trading area. This district is intended to provide those types of retail, wholesale, transportation, and service uses which, because of traffic, size and other requirements, depend upon particular locations to serve the needs of the community and its trading area. This zone allows for a full range of retail and service businesses with a local or regional market and is to be characterized by attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development provides for site access by automobile, as well as pedestrian, bicycle and transit.

HC, Highway Commercial Overlay District. To provide for auto-oriented access and parking along major highways outside the core area of the City.

17.3.112 CBD, CENTRAL BUSINESS DISTRICT

Development Standards

- A. None - Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 50 ft - Minimum Lot Width
- C. 100 ft - Minimum Lot Depth
- D. 45 ft - Maximum Building Height
- E. Yes - Building Height Transition
- F. 100% - Maximum Lot Coverage
- G. 5% - Minimum Landscape Area (% of site)
- H. Minimum Setback (ft)⁵⁴

Front	Side	Street Side	Rear	Along Arterials
0	0	0	0	See TSP

- I. Fences & Gardening/Retaining Walls⁵⁵

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42"	6'	6'	6'

- J. Permitted Uses

1. Basic Utilities
2. Brewery
3. Commercial Indoor Recreation (under 25,000 sq ft)
4. Community Service
5. Daycare (adult or child)
6. Educational Services, not a school (e.g., tutoring or similar services)
7. Governmental Buildings
8. Hotel or Motel
9. Indoor Recreation Facilities (under 25,000 sq ft)
10. Laundromat Not Including Dry Cleaning on Site
11. Medical Centers
12. Mortuary (Not Crematory)

⁵⁴ No balconies may extend into the public right-of-way.

⁵⁵ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls.

13. Offices
 - a) Cafeterias
 - b) Health Facilities
 - c) Other facilities primarily for the use of employees of the firm or business
14. Parks & Open Space
15. Private Club, lodge, convent, social or recreational building or community assembly hall
16. Public park, playground, or recreational area, and buildings used in connection therewith
17. Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive Through Uses, per section 17.3.190) - Fully Enclosed
18. Religious Institutions & Houses of Worship
19. Restaurants (not including drive through)
20. Retail sales and service (see also drive-up uses)
21. Small Animal Veterinary Office or Hospital
22. Studios including music, dancing, art, photography, or health
23. Television and Radio Studios
24. Temporary Uses (limited to "P" and "CU" uses)
25. Theater, except drive in
26. Transportation Facilities (operation, maintenance, preservation, and construction)
27. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

1. Accessory Structures (with a permitted use)
2. Accessory Uses for Retail Sales
 - a) Manufacturing or repackaging of goods for on-site sales
 - b) Parking
 - c) Storage of Goods
3. Signs (subject to requirements of Chapter 18.8)

L. Conditional Uses

1. Bars & Taverns⁵⁶
2. Bed & Breakfast Inn
3. Buildings & Structures Exceeding the Height Limits in Table 17.2.130
4. Bus Depot but not a bus garage or storage yard
5. Colleges & Schools
6. Commercial Indoor Recreation (25,000 sq ft or greater)
7. Commercial Outdoor Recreation
8. Commercial Parking
9. Condominium Developments (Commercial)
10. Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities per Section 17.3.190)

⁵⁶ Bars & Taverns established after the effective date of this code shall not be located within 500 feet of another use classified as a bar or tavern.

11. Entertainment, Major Event
12. Motion Picture production studios and allied services
13. Multi-Family (4 or more) Residential
14. Private nursery school, kindergarten, or daycare center⁵⁷
15. Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive Through Uses, per section 17.3.190) - Not Enclosed
16. Public utility and communication facilities, such as; a branch telephone exchange, static transformer, booster station, or pumping station.
17. Radio Frequency Transmission Facilities
18. Rail Lines & Corridors
19. Residential uses above and behind storefronts
20. Senior Housing
21. Swimming Pools
22. Telecommunication Facilities
23. Uses operating between 10pm and 6am

17.3.114 C-2, GENERAL COMMERCIAL DISTRICT

Development Standards

- A. 10,000 sq ft - Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 60 ft - Minimum Lot Width
- C. 120 ft - Minimum Lot Depth
- D. 45 ft - Maximum Building Height
- E. Yes - Building Height Transition
- F. 80% - Maximum Lot Coverage
- G. 15% - Minimum Landscape Area (% of site)
- H. Minimum Setback (ft)⁵⁸

Front	Side	Street Side	Rear	Along Arterials
10	10	20	10	See TSP

⁵⁷ On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties a sight-obscuring security fence.

⁵⁸ No balconies may extend into the public right-of-way.

I. Fences & Gardening/Retaining Walls⁵⁹

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42"	6'	6'	6'

J. Permitted Uses

1. Basic Utilities
2. Brewery
3. Commercial Indoor Recreation (under 25,000 sq ft)
4. Community Service
5. Daycare (adult or child)
6. Drive through restaurant
7. Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities per Section 17.3.190)
8. Educational Services, not a school (e.g., tutoring or similar services)
9. Hotel or Motel
10. Indoor Recreation Facilities (under 25,000 sq ft)
11. Laundromat Not Including Dry Cleaning on Site
12. Medical Centers
13. Mortuary (Not Crematory)
14. Motion Picture production studios and allied services
15. Offices
 - a) Cafeterias
 - b) Health Facilities
 - c) Other facilities primarily for the use of employees of the firm or business
16. Parks & Open Space
17. Public park, playground, or recreational area, and buildings used in connection therewith
18. Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive Through Uses, per section 17.3.190) - Fully Enclosed
19. Recreational Vehicle Camping Parks
20. Religious Institutions & Houses of Worship
21. Restaurants (not including drive through)
22. Retail sales and service (see also drive-up uses)
23. Self Service Storage
24. Small Animal Veterinary Office or Hospital
25. Studios including music, dancing, art, photography, or health
26. Temporary Uses (limited to "P" and "CU" uses)
27. Theater, except drive in
28. Transportation Facilities (operation, maintenance, preservation, and construction)
29. Vehicle Repair⁶⁰

⁵⁹ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls.

- 30. Vehicle Sales⁶¹
- 31. Use customarily incidental & subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

- 1. Accessory Structures (with a permitted use)
- 2. Accessory Uses for Retail Sales
 - a) Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair
 - b) Manufacturing or repackaging of goods for on-site sales
 - c) Parking
 - d) Storage of Goods
- 3. Signs (subject to requirements of Chapter 18.8)

L. Conditional Uses

- 1. Bars & Taverns⁶²
- 2. Buildings & Structures Exceeding the Height Limits in Table 17.2.130
- 3. Bus Depot but not a bus garage or storage yard, except as provided in L.21.
- 4. Cemetery
- 5. Colleges & Schools
- 6. Commercial Indoor Recreation (25,000 sq ft or greater)
- 7. Commercial Outdoor Recreation
- 8. Commercial Parking
- 9. Condominium Developments (Commercial)
- 10. Drive In Movie Theatre
- 11. Entertainment, Major Event
- 12. Governmental Buildings
- 13. Indoor Recreation Facilities greater than 25,000 sq ft
- 14. Laundromat, including dry cleaning on-site
- 15. Private club, lodge, convent, social or recreational building or community assembly hall
- 16. Public utility and communication facilities, such as; a branch telephone exchange, static transformer, booster station, or pumping station.
- 17. Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive Through Uses, per section 17.3.190) - No Enclosed
- 18. Radio Frequency Transmission Facilities
- 19. Rail Lines & Corridors
- 20. Telecommunication Facilities
- 21. Television and Radio Stations
- 22. Uses operating between 10pm and 6am

⁶⁰ Includes passenger vehicle, light & medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.

⁶¹ Does not include junking, wrecking, storage, towing, or salvaging operations

⁶² Bars & Taverns established after the effective date of this code shall not be located within 500 feet of another use classified as a bar or tavern.

17.3.1 ALLOWED LAND USES TABLE

Table 17.3.110 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapter 16.

Table 17.3.110 - Land Uses Allowed in Commercial Districts		
Uses	Status of Use in District	
Use Categories	C-1	C-2
Accessory Structures (with a permitted use)	AU	AU
Bars & Taverns ⁶³	CU	CU
Basic Utilities	P	P
Bed & Breakfast Inn	CU	N
Brewery	P	P
Buildings & Structures Exceeding the Height Limits in Table 17.2.130	CU	CU
Bus Depot but not a bus garage or storage yard	CU	CU
Colleges & Schools	CU	CU
Commercial Indoor Recreation (under 25,000 sq ft)	P	P
Commercial Indoor Recreation (25,000 sq ft and over)	CU	CU
Commercial Outdoor Recreation	CU	CU
Commercial Parking	CU	CU
Community Service	P	P
Condominium Developments (Commercial)	CU	CU
Daycare (adult or child)	P	P
Drive in Movie Theatre	N	CU
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities per Section 17.3.190	CU	P
Educational Services, not a school (e.g., tutoring or similar services)	P	P
Entertainment, Major Event	CU	CU
Governmental Buildings	P	CU
Hotel or Motel	P	P
Indoor Recreation Facilities	P	P
Laundromat, including dry cleaning on-site	N	CU
Laundromat, not including dry cleaning on-site	P	P
Medical Centers	P	P
Mortuary (Not Crematory)	P	P
Motion Picture production studios and allied services	CU	P
Multi-Family (4 or more units)	P	N
Offices	P	P
	Cafeterias	AU
	Health Facilities	AU
Other facilities primarily for the use of the employees of the firm or business	AU	AU
Parks & Open Space	P	P
Private club, lodge, convent, social or recreational building or community assembly hall	P	CU
Private nursery school, kindergarten, or daycare center ⁶⁴	CU	N
Public park, playground, or recreational area, and buildings used in connection therewith	P	P
Table 17.3.110 - Land Uses Allowed in Commercial Districts		
Uses	Status of Use in District	

⁶³ Bars and taverns established after the effective date of this code shall not be located within 500 feet of another use classified as a bar or tavern

⁶⁴ On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties by a sight-obscuring security fence.

17.3 – Commercial Land Use Districts – Development Standards

Use Categories	C-1	C-2
Public utility and communication facilities, such as; a branch telephone exchange, static transformer, booster station, or pumping station	CU	CU
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses, per section 17.3.190)		
Fully Enclosed	P	P
Not Enclosed	CU	CU
Radio Frequency Transmission Facilities	CU	CU
Rail Lines & Corridors	CU	CU
Recreational Vehicle Camping Parks	N	P
Religious Institutions & Houses of Worship	P	P
Residential uses above and behind storefronts	CU	N
Restaurants (not including drive through)	P	P
Retail Sales and Service (see also Drive-Up Uses)	P	P
Accessory Uses for Retail Sales		
Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair	N	AU
Manufacturing or repackaging of goods for on-site sales	AU	AU
Parking	AU	AU
Storage of Goods	AU	AU
Self Service Storage	N	P
Senior Housing	CU	N
Signs (subject to requirements of Chapter 18.8	AU	AU
Small Animal Veterinary Office or Hospital	P	P
Studios including music, dancing, art, photography, or health	P	P
Swimming Pools	CU	N
Telecommunication facilities	CU	CU
Television and Radio Studios	P	CU
Temporary Uses (limited to “P” and “CU” uses)	P	P
Theater, except drive in	P	P
Transportation Facilities (operation, maintenance, preservation, and construction	P	P
Vehicle Repair ⁶⁵	N	P
Vehicle Sales ⁶⁶	N	P
Use customarily incidental & subordinate to a PRINCIPLE use permitted outright	P	P
Uses operating between 10pm and 6am	CU	CU

Key:

P = Permitted, subject to site/development review
 N = Not permitted

CU = Conditional Use Permit required
 AU = Accessory Uses

⁶⁵ Includes passenger vehicle, light & medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.

⁶⁶ Does not include junking, wrecking, storage, towing, or salvaging operations.

17.3.2 DEVELOPMENT STANDARDS

The development standards in Table 17.3.120 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 17.3.2 - Development Standards for Commercial Districts (except as modified by 17.2.120 - Commercial Standards)		
Standard	C-1	C-2
Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards	None	10,000
Minimum Lot Width (ft)	50	60
Minimum Lot Depth (ft)	100	120
Maximum Building Height (ft)	45	45
Building Height Transition	Yes	Yes
Maximum Lot Coverage (%)	100	80
Minimum Landscape Area (% of site)	5	15
Minimum Setback (ft)⁶⁷		
Front	0	10
Side	0	10
Street Side	0	20
Rear	0	10
Setbacks along Arterials	See TSP	See TSP
Fences & Gardening/Retaining Walls⁶⁸		
Max Height - Front	42"	42"
Max Height - Side	6'	6'
Max Height - Street Side	6'	6'
Max Height - Rear	6'	6'

- A. All new developments shall:
1. Always avoid utility easements when building near property lines;
 2. Porches, balconies, and patios must be less than 50 percent enclosed on side elevations;
 3. On street side fences, retaining/garden walls the 6 foot height may be expanded to 8' with approval through a building permit.

⁶⁷ No balconies may extend into the public right-of-way

⁶⁸ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls

17.3.130 COMMERCIAL DISTRICTS - ZERO SETBACKS, BUILD-TO-LINE, FIRE CODE, CLEAR VISION, AND FLAG LOTS

A. Zero Setbacks and Build-To Line – Purpose; Fire Code; and Clear Vision.

Zero setbacks, as provided in Table 17.3.120, are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Section 18.1.200(N) and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).

B. Setback Yards – Flag Lots

The front yard of a flag lot shall conform to one of the following two options:

1. parallel to the street from which access is taken, or
2. parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval.

17.3.140 COMMERCIAL DISTRICTS - LOT COVERAGE

Lot coverage is calculated as provided under Section 17.2.160.

17.3.150 COMMERCIAL DISTRICTS - BUILDING ORIENTATION & COMMERCIAL BLOCK LAYOUT

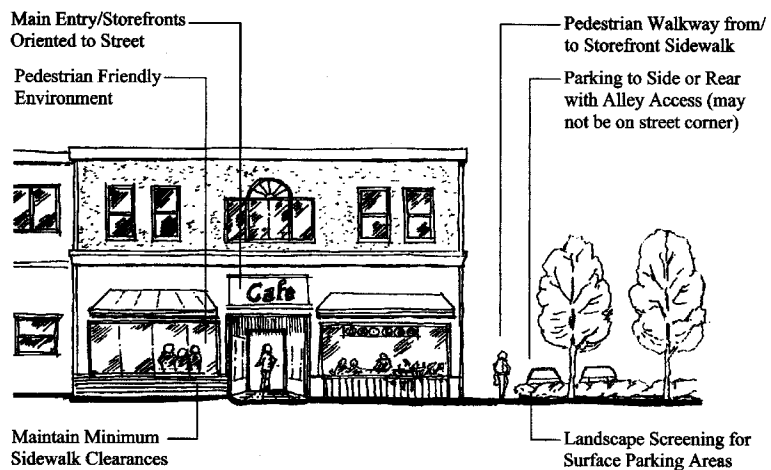
A. Purpose. This section orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”

B. Applicability. This section applies to that are subject to Site Design Review or Land Division Review, including those reviewed as part of a Master Planned Development.

C. Building Orientation Standards. Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 17.3.150(C.1). This standard is met when all of the following criteria are met:

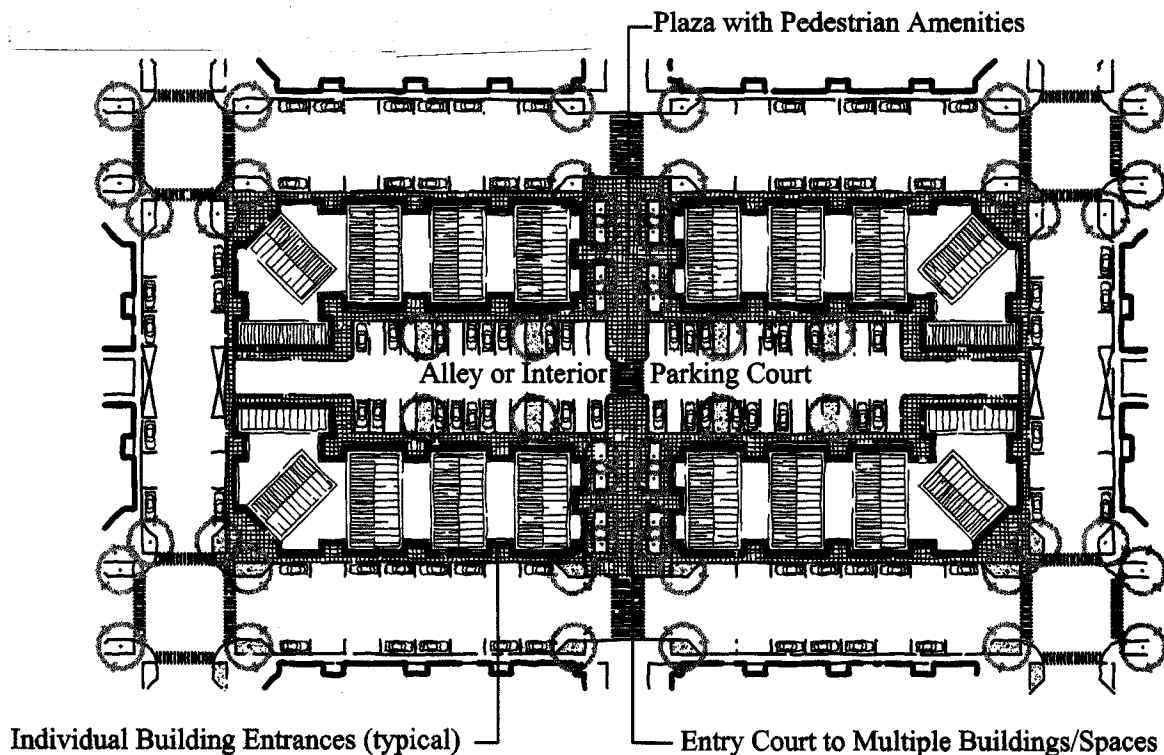
1. Compliance with the setback in Table 17.3.120, where applicable. The build-to line may be setback to provide pedestrian amenities between a building and its adjoining street;
2. Except as provided in subsections 4 and 5 below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 40 feet from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.

Figure 17.150(C.1) – Building Orientation



3. In the C-1 District, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; except as provided under subsection 4 below. Off-street parking in the C-2 and C-3 District shall be oriented internally to the site and divided by landscape areas into bays of not more than 24 parking spaces per bay, as generally shown in Figures 17.3.150(C.2).
4. In the C-1 District, drive-up and/or drive through uses shall be screened from view from the public right-of-way. The use shall be accessed off of side streets and shall not be visible from arterial streets and collector streets.

Figure 17.3.150.C(2) – Building Orientation With Internal Parking



5. In the C-2 and HC District, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building’s primary entrance when the approval body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building’s primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
 - b. The proposed vehicle areas are limited to one driveway of not more than 20 feet in width with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. (The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping; and
 - c. The building’s primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 18.1.300.

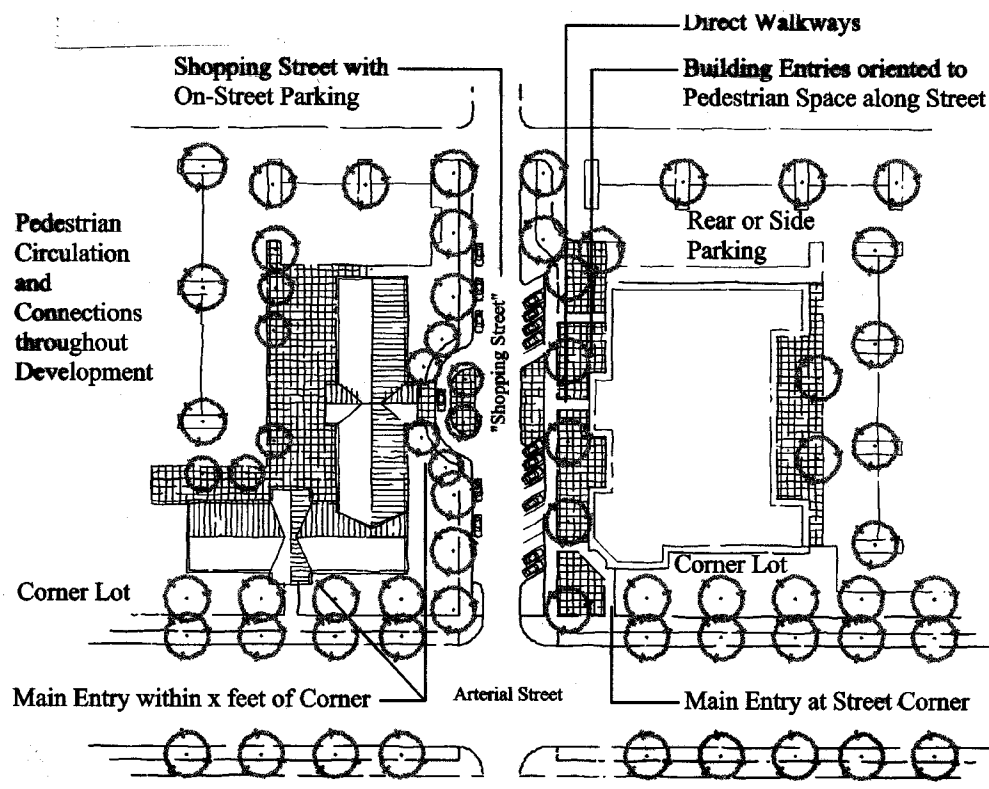
6. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the

standards in Section 18.1.300.

D. Block Layout Standard. Developments containing 60,000 square feet or more building floor area shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 17.3.150.C(2), above), or shopping streets (as generally shown in Figure 17.3.150.C(3), below). All parking courts and shopping streets shall contain on-street parking (parallel or angled parking), street- or court-facing building entrances and entrances at or near (*i.e.*, within 40 feet of) block corners, sidewalks, street trees, and pedestrian lighting;
2. Blocks shall not exceed 400 feet in length;
3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

Figure 17.3.150.C(3) – Shopping Street Example



17.3.160 COMMERCIAL DISTRICTS - BUILDING AND STRUCTURE HEIGHT

A. Method of Measurement. Building and structure heights shall conform to the standards in Table 17.3.120; height is measured in conformance with Section 17.2.170. Height step-down requirements shall conform to the standards in Section 17.2.170.C.

17.3.170 COMMERCIAL DISTRICTS - ARCHITECTURAL DESIGN STANDARDS

A. Purpose and Applicability. This section is intended to provide detailed, human-scale design that is characteristic of the City of Molalla, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections B-D below, which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.

1. The street level should be sensitive to pedestrians. Greater attention to detail and a more pedestrian oriented scale of development shall be utilized. Design criteria shall be for the enjoyment of the shopper on foot as opposed to being in their automobile.

B. Pedestrian-Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

1. The building orientation standards under Section 17.3.150 are met; and
2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
3. Windows may not be tinted or mirrored; and
4. Corner buildings (*i.e.*, buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and
5. At least 50 percent of the building's front façade (measured horizontally in linear feet) shall be located at the build-to line or closer to the street; build-to lines are prescribed by Table 17.3.120; and
6. Ground floor windows or window displays shall be provided along at least 40 percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
7. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and
8. Drive-up and drive-through facilities, when allowed, shall conform to Section 17.3.190; the provisions of which shall not be modified without a variance (Chapter 20.1).

9. Commercial activities within commercial buildings shall be visible from the street and pedestrian ways to:

- a. Establish and maintain visual continuity between indoor and outdoor areas; and
- b. Enhance safety by adding “eyes on the street”

C. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met.

D. Color Palette. Development in the commercial zones shall conform with the color palettes for building facades, building trim and signage.

1. Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;
2. Base, trim and sign colors shall complement one another;
 - a. Base. Acceptable colors shall complement one another.
 - b. Trim.
 - 1) Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each faced of a building’s exterior.
 - 2) Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing façade, that building is entitled to display up to 20 percent of the street-facing façade with the colors listed on the trim palette.
 - c. Signs. Signs may display up to 50 percent of each face with colors listed in the City’s Sign Palette. The remaining portion of the sign shall be listed on the base color palette.
3. Neon colors are prohibited;
4. Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:
 - a. A color rendering of the building illustrating the proposed color to be used;
 - b. A color scheme of the surrounding structures;

- c. A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;
- d. Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of “similar” or “like” colors will be left to the interpretation of the hearing body. Color palette interpretation will be process in the same manner as code language interpretation outlined in Chapter 19.8.

E. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 17.3.170(D) contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

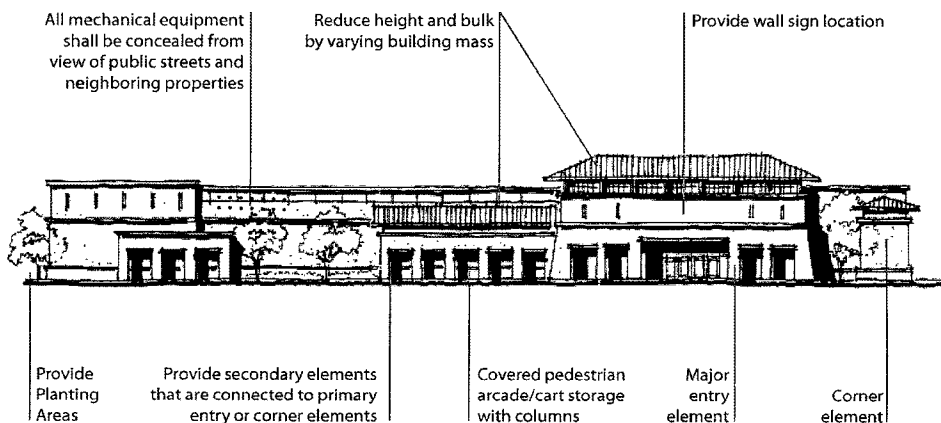
1. Regularly spaced and similarly-shaped windows are provided on all building stories;
2. Ground floor retail spaces shall maintain a visual appearance of having a tall (i.e., 12-16 feet) public entrance;
3. All ground floor entries shall be sheltered with a minimum 4 foot overhang projection that shall not project more than 4 feet into a front yard setback;
4. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
5. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (*e.g.*, cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;
6. The tops of flat roofs are treated with appropriate detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;
 - a. When flat roofs are proposed, a cornice that is a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided;
 - b. Roof-line offsets, with a minimum of 8 feet variation measured either vertically from the gutter line or horizontally, shall be provided at intervals of 100 feet or less to relieve the effect of a single, long roof.
7. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;
8. Historic design and compatibility requirements, where applicable, are met; and

9. Building design in the C-1, C-2, C-3, CPA, and EZ zones shall incorporate traditional building materials such as natural timbers, stone, and brick where practicable.
10. Commercial buildings located in predominantly residential areas should imitate building setbacks and front yard landscaping patterns established by the residential uses.
11. The entrance to automotive service bays shall not be open to the street and shall be designed to face the rear or interior side property lines.
12. All newly created or remodeled outdoor storage areas, garbage collection, exterior vents and mechanical devices and noise-generating equipment shall be screened by sight obscuring fencing to complement the existing structure or by vegetation located away from abutting residential development.
13. Ground level outdoor enclosures shall be composed of materials similar to the primary structure.
14. Roof mounted equipment, including satellite dishes and other communications equipment, must be screened from view from adjacent public streets.
15. Solar panels shall blend in with the primary structure upon which they are located.
16. Structures that have more than a seventy-five (75) foot front setback shall have a pedestrian walkway that connects to existing pedestrian walkways on adjacent development and that is stubbed to the adjacent property line where adjacent land is undeveloped or absent pedestrian walkways. The configuration of pedestrian walkways shall be considerate of site topography and future development of adjacent property.
17. Buildings shall be designed and maintained to enhance the real and perceived safety of the immediate area. Permit applications shall include a statement from Molalla's Chief of Police or designee stating whether or not safety concerns are associated with the application.
18. Building Entries:
 - a. Entries should be clearly identifiable and visible from the street and easily accessible and inviting to pedestrians. In order to increase personal safety, entries and associated open spaces should be designed to avoid the creation of isolated areas and maintain lines of sight into and out of the space. Building entries shall have one (1) or more of the following architectural treatments:
 - 1) Awnings.
 - 2) Decorative entrances to business.
 - 3) Painted exterior.
 - 4) Provide adequate windows to allow pedestrians to see what they offer.
 - 5) Repairing/replacing sidewalks.

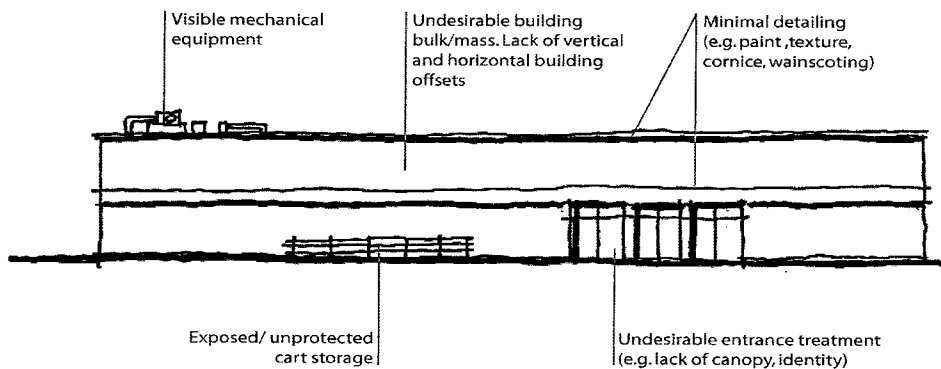
- 6) Distinctive doorways.
 - 7) Decorative/distinctive entry canopy.
 - 8) Projected or recessed entry bay.
 - 9) Building name and address integrated into the façade or sidewalk.
 - 10) A change in paving material, texture or color.
 - 11) Distinctive landscaping, including plants, water features, and seating.
19. Entries should be specially defined with canopies, awnings and other building elements that help to identify them from pedestrian ways. Entries can be defined with building insets that provide a transition between the public walkways and the more private, commercial interiors of buildings. Entries should be conveniently lit at all times to eliminate dark, unsafe pockets.
 20. Parking that is visible from an existing or proposed street shall be screened from view from public rights of way.
 21. Where it is unreasonable to plant trees, planters shall be used.
 22. Storefront seating for eating and take-out food services is especially encouraged along pedestrian walkways. The City should encourage outdoor eating, displays, seating and merchandise within the public rights-of-way along sidewalks. Where such provisions are not practical, providing indentation or setbacks in the building façade can contribute to seating and display areas. These eating areas shall not impede pedestrian travel.
 23. Historic and architecturally significant buildings, and other landmarks that give residents a tie with the past, should be preserved. Private preservation efforts shall be encouraged.
 24. The City shall encourage restorative maintenance for deteriorating buildings in the Central Business District and restrict the demolition of historically and/or architecturally significant buildings to accommodate new development.
 25. Downtown area commercial buildings shall have their primary orientation toward the street rather than the parking area and shall be accessed from the street and sidewalk.
 26. Promote pedestrian interaction with lively streets for a safer more attractive streetscape. Ground floor shops and market spaces that provide services needed by downtown store operators and their customers, and citizens who can generate foot traffic on the streets, increase safety through informal surveillance. Entrances, arcades, open space, shop fronts, seating, and other elements can promote the use of the street front and provide places for friendly interaction. Design decisions should consider the importance of these features in a particular context and allow for their incorporation.
 27. Design for uses that are accessible to the general public, open during established shopping hours, generate walk-in pedestrian clientele, and contribute to a substantial level of pedestrian activity.

28. Where buildings with greater than 3,600 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 50 feet of building (horizontal length):
- a. Windows;
 - b. Primary entrances;
 - c. Weather protection (awnings, canopies, arbors, trellises);
 - d. Building offsets;
 - e. Projections;
 - f. Changes in elevation or horizontal direction;
 - g. Sheltering roofs; terraces; a distinct pattern of divisions in surface materials;
 - h. Ornamentation;
 - i. Screening trees;
 - j. Small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or
 - k. Similar features as generally shown in Figure 17.3.170(D).
29. Where a building with greater than 20,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting); and/or similar features as generally shown in figure 17.3.170(D). Figure 17.3.170(D) should not be interpreted as a required architectural style. Parking requirements:
- a. Underground/Above ground (Garage Style) parking when the use exceeds that of a 20,000 square foot building, or;
 - b. Provide alternative parking throughout an area if within close proximity to the development.

Figure 17.3.170.D – Examples of Large Commercial Design Elements



Large Commercial Massing - Acceptable



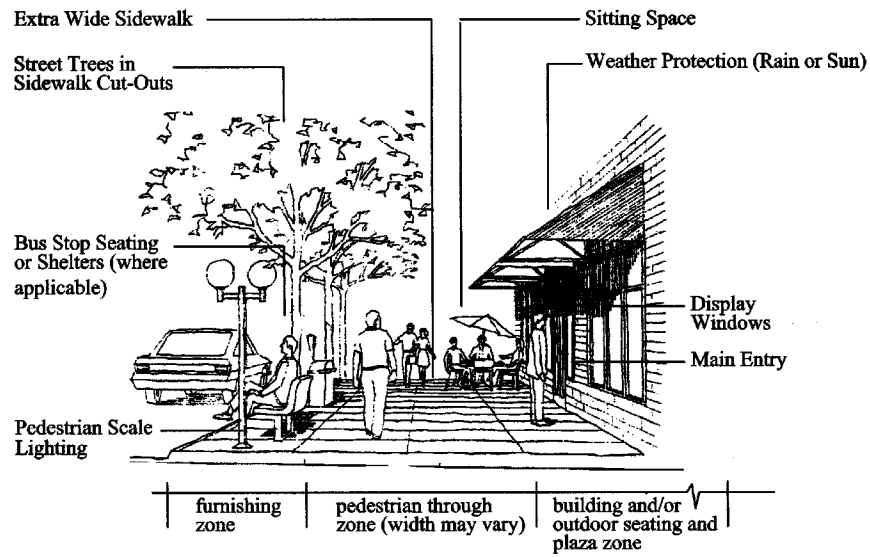
Large Commercial Massing - Unacceptable

17.3.180 COMMERCIAL DISTRICTS - PEDESTRIAN AMENITIES

- A. Purpose and Applicability.** This section provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the Central Business District, and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable district.
- B. Standards.** New developments and major remodels in the Central Business District and other developments subject to the provisions of this section shall provide the following:
1. Lighting shall be provided:
 - a. Along all walkways and bicycle ways and must be lit to a level where employees, residents, customers or the public can adequately see to a minimum 3 foot-candle and designed for the system at night.
 2. Use cut-off lenses or hoods to prevent glare and light spill-off from a project site onto adjacent properties, buildings, and roadways.
 3. All new portions of commercial and industrial property shall be lit to a standard sufficient to afford police and other emergency services full vision of the site.
 4. Accessways shall be included to:
 - a. Connect with existing or approved accessways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.
 - b. Provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.
 - c. Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.
 5. And one or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 17.3.180(B). Pedestrian amenities may be provided within a building frontage, or plaza, or within the pedestrian through area, as shown in Figure 17.3.180(B). Use of the public right-of-way requires approval by the roadway authority:
 - a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
 - b. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrances and sidewalk) with a minimum of 16 inches in height and 30 inches in width;

- c. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
- d. Public art that incorporates seating (e.g., fountain, sculpture).

Figure 17.3.180 – Examples of Pedestrian Amenities



17.3.190 COMMERCIAL DISTRICTS - SPECIAL USE STANDARDS

This section supplements the standards contained Sections 17.3.110 through 17.3.180. It provides standards for the following land uses to control the scale and compatibility of those uses:

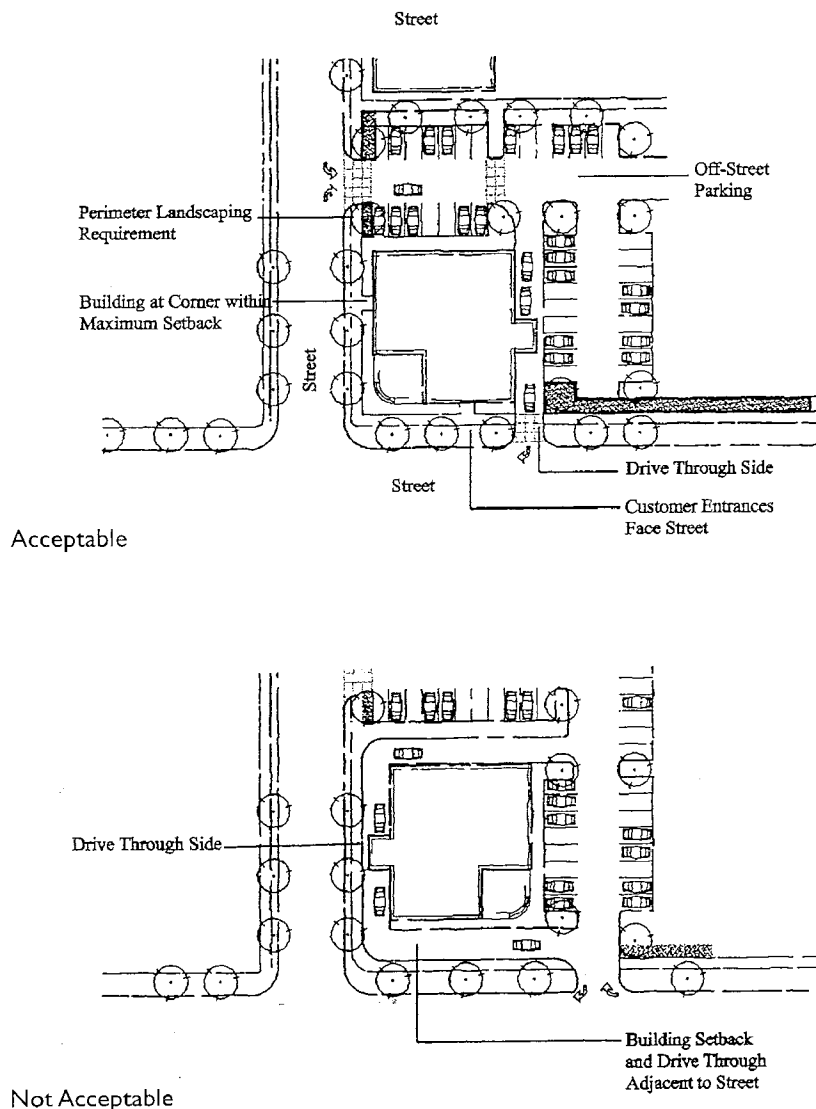
- Drive-up and Drive-through Uses and Facilities

A. Drive-Up/Drive-In/Drive-Through Uses and Facilities.

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

1. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street [Figure 17.3.190(A.1)];
2. None of the drive-up, drive-in or drive-through facilities (*e.g.*, driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public

Figure 17.3.190(A.1) – Drive-Up and Drive-Through Facilities



17.3 – Commercial Land Use Districts – Special Use Standards: Drive-Up/Drive-Through

right-of-way; and

4. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of 400 linear feet along the same block face (same side of the street)

CHAPTER 17.4 – INDUSTRIAL (M) DISTRICTS

SECTIONS:

- 17.4.100 PURPOSE
- 17.4.112 M-1, LIGHT INDUSTRIAL
- 17.4.114 M-2 HEAVY INDUSTRIAL
- 17.4.116 EMPLOYMENT DISTRICT
- 17.4.130 SETBACK YARDS AND BUFFERING
- 17.4.140 SITE LAYOUT AND DESIGN

TABLES:

- 17.4.1 ALLOWED USES
- 17.4.2 DEVELOPMENT STANDARDS

17.4.100 INDUSTRIAL DISTRICT - PURPOSE

Chapter 17.4 accommodates industrial land uses in two Industrial Districts, Light Industrial (M-1) Heavy Industrial (M-2) and 1 employment zone. All three districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees.

Chapter 17.4 guides the orderly development of industrial areas based on the following objectives:

- Provide for efficient use of land and public services;
- Provide appropriately zoned land with a range of parcel sizes for industry;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users;
- Provide attractive locations for business to locate; and

M-1, Light Industrial District. To accommodate non-polluting industries that are generally compatible with residential and commercial activities.

M-2, Heavy Industrial District. Encourage the location of uses that have a strong industrial orientation. The regulations are intended to promote uses and developments that will support the economic viability of the City, protect the health, safety and welfare of the public health, safety, and welfare of the public, address the character of the area and provide certainty to property owners, developers and neighbors about the limits of what is allowed.

EZ, Employment District. Allows for a mix of clean, employee-intensive industries and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted in an employment zone are intended to improve the region's economic climate and protect the supply of sites for employment by limiting incompatible uses within the employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development of office type uses.

17.4.110 USES ALLOWED

17.4.112 M-1, LIGHT INDUSTRIAL

Development Standards

- A. 15,000 sq ft - Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. No Minimum - Minimum Lot Width
- C. No Minimum - Minimum Lot Depth
- D. 45 ft - Maximum Building Height
- E. No - Building Height Transition
- F. 85% - Maximum Lot Coverage
- G. 15% - Minimum Landscape Area (% of site)
- H. Minimum Setback (ft)⁶⁹

Front	Side	Street Side	Rear	Along Arterials
20	10	20	10	See TSP

- I. Fences & Gardening/Retaining Walls⁷⁰

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42"	6'	6'	6'

- J. Permitted Uses

1. Basic Utilities
2. Computer Component Assembly Plants
3. Corporate or government headquarters or regional offices with 50 or more employees
4. Distribution or warehousing
5. Engineering, Architectural and surveying services
6. Experimental, film or testing laboratories
7. Industries that manufacture from, or otherwise process, previously prepared materials
8. Industrial and professional equipment and supply stores, which may include service and repair of the same
9. Manufactured & Production, fully enclosed

⁶⁹ No balconies may extend into the public right-of-way.

⁷⁰ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls.

10. Mortuary
11. Non-commercial, educational, scientific and research organizations
12. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing
13. Research and development activities
14. Quick Vehicle Servicing or Vehicle Repair
15. Self Service Storage
16. Software and hardware development
17. Transportation Facilities (operation, maintenance, preservation, and construction (in accordance with the City's Transportation Systems Plan)
18. Veterinary clinics and hospitals for small animals (both large and small animals)
19. Warehouse & Freight Movement
20. Wholesale sales (per Section 17.4.110)

K. Accessory Uses

1. Accessory Structures
2. Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)
3. Offices
4. Parks & Open Space

L. Conditional Uses

1. Aircraft & Parts
2. Buildings & Structures exceeding the height limits
3. Bus Depot, but not bus garage or storage yard
4. Colleges
5. Manufactured home used as a permanent residence for a night watchman or caretaker
6. Mobile Food Unit
7. Outdoor Recreation, Commercial
8. Parking Lot (when not an accessory use)
9. Radio Frequency Transmission Facilities
10. Rail Lines & Utility Corridors
11. Recycling Depots
12. Religious Institutions & Houses of Worship
13. Telecommunications Facilities
14. Temporary Uses Per Section 19.9.100
15. Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs

17.4.114 M-2, HEAVY INDUSTRIAL DISTRICT

Development Standards

- A. 25,000 sq ft - Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards

- B. No Minimum - Minimum Lot Width
- C. No Minimum - Minimum Lot Depth
- D. 45 ft - Maximum Building Height
- E. No - Building Height Transition
- F. 85% - Maximum Lot Coverage
- G. 15% - Minimum Landscape Area (% of site)
- H. Minimum Setback (ft)⁷¹

Front	Side	Street Side	Rear	Along Arterials
20	10	20	10	See TSP

- I. Fences & Gardening/Retaining Walls⁷²

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42"	6'	6'	6'

- J. Permitted Uses

1. Basic Utilities
2. Computer Component Assembly Plants
3. Corporate or government headquarters or regional offices with 50 or more employees
4. Experimental, film or testing laboratories
5. Industries that manufacture from, or otherwise process previously prepared materials
6. Industrial and professional equipment and supply stores, which may include service repair of the same
7. Manufacturing & Production, fully enclosed
8. Parking Lot (when not an accessory use)
9. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing
10. Quick Vehicle Servicing or Vehicle Repair
11. Transportation Facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)
12. Veterinary clinics and hospitals for small animals (both large and small animals)
13. Warehouse & Freight Movement
14. Wholesale sales (per Section 17.4.110)

⁷¹ No balconies may extend into the public right-of-way.

⁷² See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls.

K. Accessory Uses

1. Accessory Structures
2. Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)
3. Offices
4. Parks & Open Space

L. Conditional Uses

1. Aircraft & Parts
2. Buildings & Structures exceeding the height limits
3. Bus Depot, but not bus garage or storage yard
4. Crematory
5. Drive-In Theatre
6. Entertainment, Major Event
7. Manufactured home used as a permanent residence for a night watchman or caretaker
8. Manufacturing & Production, not enclosed
9. Mining
10. Mobile Food Unit
11. Mortuary
12. Radio Frequency Transmission Facilities
13. Rail Lines & Utility Corridors
14. Recycling Depots
15. Research and development activities
16. Self Service Storage
17. Software and hardware development
18. Telecommunications Facilities
19. Temporary Uses Per Section 19.9.100

17.4.116 EMPLOYMENT DISTRICT

Development Standards

- A. 25,000 square feet - Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards.
- B. 100 ft - Minimum Lot Width
- C. 100 ft - Minimum Lot Depth
- D. 45 feet - Maximum Building Height
- E. Yes - Building Height Transition
- F. 85 percent - Maximum Lot Coverage
- G. 15 percent - Minimum Landscape Area (% of site)

H. Minimum Setback (ft)⁷³ - Along all public right-of-way⁷⁴

Front	Side	Street Side	Rear	Along Arterials
20 ft	10 ft	20 ft	10 ft	See TSP

I. Fences & Gardening/Retaining Walls⁷⁵

Max Height Front	Max Height Side	Max Height Street Side	Max Height Rear
42"	6'	6'	6'

J. Permitted Uses

1. Colleges
2. Corporate or government headquarters or regional offices with fifty or more employees;
3. Computer component assembly plants;
4. Engineering, architectural and surveying services;
5. Experimental, film or testing laboratories;
6. Financial, insurance, real estate or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to 10 percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development and drive-thru features are prohibited.
7. Industrial and professional equipment and supply stores, which may include service and repair of the same;
8. Industries that manufacture from, or otherwise process, previously prepared materials;
9. Information and data processing centers;
10. Manufacturing & Production (Fully Enclosed)
11. Non-commercial, educational, scientific and research organizations;
12. Parks & Open Space
13. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
14. Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs;
15. Research and development activities;
16. Rail Lines & Utility Corridors
17. Religious Institutions & Houses of Worship

⁷³ No balconies may extend into the public right-of-way.

⁷⁴ Buffers shall follow those of industrial uses abutting residential when such an adjacent use exists.

⁷⁵ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls. Fences and walls may be extended to 8' when approved through a land use procedure.

18. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5 percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than 10 percent of the net developable portion of all contiguous industrial lands;
19. Software and hardware development;
20. Transportation Facilities (operations, maintenance, preservation, and construction, in accordance with the City's TSP)

K. Accessory Uses

1. No accessory structure shall be detached from the main building and must be built to the same look of the existing structure when connected to an existing structure.

L. Conditional Uses

1. Any other use which, in the opinion of the Planning Commission, is of similar character of those specified as outright uses and conditional uses. In addition the proposed conditional uses:
 - a) Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
 - b) Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
 - c) Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use; and
 - d) Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

M. Distribution or warehousing;

N. Building and Structures exceeding the height limitation

O. Bus Depot, but not bus garage or storage yard

P. Outdoor Recreation Commercial

Q. Parking Lot (when not an accessory use)

R. Radio Frequency Transmission Facilities

S. Temporary Uses Per Section 19.9.100

T. Wholesale Sales

Table 17.4.1 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 16.3 and 16.4.

Table 17.4.110 - Land Uses Allowed in Industrial Districts				
Uses Use Categories	Status of Use in District			
	M-1	M-2	EZ	
Accessory Structures	AU	AU	AU	
Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)	AU	AU	N	
Aircraft & Parts	CU	CU	N	
Basic Utilities	P	P	N	
Buildings & Structures exceeding the height limitations	CU	CU	CU	
Bus Depot, but not bus garage or storage yard	CU	CU	CU	
Colleges	CU	N	P	
Computer Component Assembly Plants	P	P	P	
Corporate or government headquarters or regional offices with fifty or more employees	P	P	P	
Crematory	N	CU	N	
Distribution or warehousing	P	P	P	
Drive-In Theatre	N	CU	N	
Engineering, Architectural and surveying services	P	N	P	
Experimental, film or testing laboratories	P	P	P	
Financial, insurance, real estate or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to 10 percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development and drive-thru features are prohibited.	N	N	P	
Industries that manufacture from, or otherwise process, previously prepared materials	P	P	P	
Industrial and professional equipment and supply stores, which may include service and repair of the same	P	P	N	
Information and data processing centers	N	N	P	
Manufactured home used as a permanent residence for a night watchman or caretaker	CU	CU	N	
Manufacturing & Production				
	Fully Enclosed	P	P	P
	Not Fully Enclosed	N	CU	N
Mining	N	CU	N	
Mobile Food Unit	CU	CU	N	
Mortuary	P	CU	N	
Non-commercial, educational, scientific and research organizations	P	N	P	
Offices	AU	AU	P	
Outdoor Recreation Commercial	CU	N	CU	
Parking Lot (when not an accessory use)	CU	P	CU	
Parks & Open Space	P	AU	P	
Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing	P	P	P	
Quick Vehicle Servicing or Vehicle Repair	P	P	N	
Radio Frequency Transmission Facilities	CU	CU	CU	
Rail Lines & Utility Corridors	CU	CU	P	
Recycling Depots	CU	CU	N	
Religious Institutions & Houses of Worship	CU	N	P	
Research and development activities	P	CU	P	

Table 17.4.110 - Land Uses Allowed in Industrial Districts			
Uses	Status of Use in District		
Use Categories	M-1	M-2	EZ
Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5 percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than 10 percent of the net developable portion of all contiguous industrial lands	N	N	P
Self Service Storage	P	CU	N
Software and hardware development	P	CU	P
Telecommunications Facilities	CU	CU	CU
Temporary Uses Per Section 19.9.100	CU	CU	N
Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs	CU	N	P
Transportation Facilities (operations, maintenance, preservation, and construction, in accordance with the City's TSP)	P	P	P
Veterinary Clinics & Hospitals for small animals (both large and small animals)	P	P	N
Warehouse & Freight Movement	P	P	N
Wholesale Sales (per section 17.4.110)	P	P	SP
Any other use which, in the opinion of the Planning Commission, is of similar character of those specified as outright uses and conditional uses. In addition the proposed conditional uses: - Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use; - Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district; - Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use; and - Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.			CU

Key:

P = Permitted, subject to site/development review
 N = Not permitted
 SP = Only Specified Uses

CU = Conditional Use Permit required
 AU = Accessory

***No accessory structure shall be detached from the main building and must be built to the same look of the existing structure when connected to an existing structure.**

17.3.2 DEVELOPMENT STANDARDS

The development standards in Table 17.4.2 apply to all new structures, buildings, and development, and major remodels, in the Industrial Districts.

Table 17.4.2 - Development Standards for Industrial Districts		
Standard	M-1	M-2
Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards	15,000	25,000
Minimum Lot Width (ft)	No Minimum	No Minimum
Minimum Lot Depth (ft)	No Minimum	No Minimum
Maximum Building Height (ft)	45	45
Building Height Transition	No	No
Maximum Lo Coverage (%)	85	85
Minimum Landscape Area (% of site)	15	15
Minimum Setback (ft)⁷⁶		
Front	20	20
Side	10	10
Street Side	20	20
Rear	10	10
Setbacks along Arterials	See TSP	See TSP
Fences & Gardening/Retaining Walls⁷⁷		
Max Height - Front	42"	42"
Max Height - Side	6'	6'
Max Height - Street Side	6'	6'
Max Height - Rear	6'	6'

A. All new developments shall:

1. Always avoid utility easements when building near property lines;
2. Porches, balconies, and patios must be less than 50% enclosed on side elevations;
3. On street side fences, retaining/garden walls the 6 foot height may be expanded to 8' with approval through a building permit.

⁷⁶ No balconies may extend into the public right-of-way

⁷⁷ See also sections 18.1.2 Vision Clearance and 18.2.500 Fences and Walls

17.4.130 INDUSTRIAL DISTRICTS - SETBACK YARDS; INDUSTRIAL BUFFERS

A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard and buffer standards in table 17.4.120 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.

C. Buffering Other Yard Requirements.

1. **Buffering.** The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 18.2 when it finds through Site Design Review (Chapter 19.2), Conditional Use Permit review (Chapter 19.4), and/or Master Planned Development review (Chapter 19.5), where applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties. Additional buffers shall be required when new or major remodels occur where industrial lands abut a residential zone. Such requirements shall meet the following:
 - a. An additional six feet of vegetative buffer beyond that normally required by Chapter 18.2.500; and,
 - b. All parking that is visible from an existing or proposed street shall be screened from view from public rights-of-way.
 - c. New industrial development occurring next to residential zoned neighborhoods shall at a minimum:
 - 1) Double their setbacks from shared property line(s) to the building, and allow parking within those setbacks;
 - 2) Install a vegetative buffer which must reach 6 feet in height within three years from approval;
 - 3) Install a site obscuring (sound reducing) wall 8 feet tall;
 - 4) A reduction in these standards may occur if a letter signed by all affected property owners stating that they understand the impacts and will forego the requirements of this section is submitted to the Planning Director as part of a land use file.

17.4 – Industrial (I) Land Use Districts – Setback Yards and Industrial Buffers

2. Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 18.1.

17.4.140 INDUSTRIAL DISTRICTS - SITE LAYOUT AND DESIGN

A. Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (*e.g.*, noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.4.130.
3. Industrial development that proposes the employment of 25 or more employees shall accommodate employees by incorporating an outdoor lunch area into their landscape plan.
4. Accessways shall be included to:
 - a. Connect with existing or approved accessways which abut the site, or to provide future connections(s) to abutting underdeveloped and undeveloped properties.
 - b. Provides reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.
 - c. Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.
 - d. Include street trees and street landscaping.
 - e. Provide an integrated open space and pedestrian system with the development with appropriate connections to surrounding properties.

B. Color Palette. Development in the industrial zones shall conform with the color palettes for building facades, building trim and signage.

1. Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;
2. Base, trim and sign colors shall compliment one another;
 - a. Base. Acceptable colors shall compliment one another.

17.4 – Industrial (I) Land Use Districts – Lot Coverage; Site Layout and Design; Building and Structure Height

b. Trim.

- 1) Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each faced of a building's exterior.
 - 2) Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing façade, that building is entitled to display up to 20 percent of the street-facing façade with the colors listed on the trim palette.
- c. Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.
3. Neon colors are prohibited;
 4. Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:
 - a. A color rendering of the building illustrating the proposed color to be used;
 - b. A color scheme of the surrounding structures;
 - c. A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;
 5. Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be processed in the same manner as code language interpretation outlined in Chapter 19.8

C. Outdoor Storage and Refuse/Recycling Collection Areas

1. No materials, supplies or equipment shall be stored in any area on a lot except inside an enclosed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. no storage areas shall be maintained between a street and the front of the structure nearest the street.

CHAPTER 17.5 – OVERLAY DISTRICTS AND PUBLIC / SEMI-PUBLIC

Sections:

- 17.5.100 SUPPORT COMMERCIAL (SC) OVERLAY DISTRICT**
- 17.5.110 PURPOSE**
- 17.5.120 USE AND DIMENSIONAL STANDARDS**
- 17.5.140 MINIMUM LOT SIZES**
- 17.5.300 PUBLIC / SEMI-PUBLIC USES (PSP)**
- 17.5.310 PURPOSE**
- 17.5.320 PRINCIPLE USES PERMITTED OUTRIGHT**
- 17.5.330 ACCESSORY USES PERMITTED OUTRIGHT**
- 17.5.340 CONDITIONAL USES PERMITTED**

17.5.100 SUPPORT COMMERCIAL (SC) OVERLAY DISTRICT

17.5.110 PURPOSE

The purpose of the 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.

17.5.120 USE AND DIMENSIONAL STANDARDS

1. Except as indicated in this chapter, 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.

17.5.140 MINIMUM LOT SIZES

No lot shall be reduced to less than ½ acre in size.

17.5.300 PUBLIC / SEMI-PUBLIC USES (PSP)**17.5.310 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.

17.5.320 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.

17.5.330 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.

17.5.340 CONDITIONAL USES PERMITTED

1. Approval of a conditional use shall not be granted unless a specific proposal meets the criteria listed in Chapter 19.4.
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.
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.

TITLE 18 – COMMUNITY DESIGN STANDARDS

CHAPTERS:

- 18.0 DESIGN STANDARDS ADMINISTRATION
- 18.1 ACCESS AND CIRCULATION
- 18.2 LANDSCAPING, STREET TREES, FENCES AND WALLS
- 18.3 PARKING AND LOADING
- 18.4 PUBLIC FACILITIES
- 18.5 SURFACE WATER MANAGEMENT
- 18.6 OTHER SITE DESIGN STANDARDS
- 18.7 SENSITIVE LANDS
- 18.8 SIGNS

CHAPTER 18.0 – DESIGN STANDARDS ADMINISTRATION

SECTIONS:

18.0.100 PURPOSE

18.0.200 APPLICABILITY

18.0.100 PURPOSE

The following provisions describe how the Community Design Standards (Title 18) are intended to be applied, and the relationship between Title 18 and the supplemental design standards for specific land uses and building types contained in Title 17.

18.0.200 APPLICABILITY

The standards in Title 18 are applied based on whether a project is classified as a Major Project or a Minor Project. In addition, each chapter of Title 18 contains “applicability directions.”

- A. **Major Project.** Major projects also include remodels with 50% or greater in tax assessed value as shown on the most recent tax assessors rolls. Major projects, including developments that require Site Design Review (Chapter 19.2), Land Division approval (Chapter 19.3), Master Planned Development (Chapter 19.5), Conditional Use and amendments to the Comprehensive Plan or Zoning Map (Chapter 19.7), must conform to the applicable sections of:
- Access and Circulation (Chapter 18.1)
 - Landscaping, Street Trees, Fences and Walls (Chapter 18.2)
 - Parking and Loading (Chapter 18.3)
 - Public Facilities (Chapter 18.4)
 - Surface Water Management (Chapter 18.5)
 - Signs (Chapter 18.8)
 - Telecommunication Facilities (Section 18.6.100)
 - Sensitive Lands (Chapter 18.7)
- B. **Minor Project.** Minor projects also include remodels less than 50% in tax assessed value as shown on the most recent tax assessors rolls. Minor projects are small developments and land use actions that require only Land Use Review. The following chapters generally apply; however, individual sections will not apply to some projects:
- Access and Circulation (Chapter 18.1)
 - Landscaping, Street Trees, Fences and Walls (Chapter 18.2)
 - Parking and Loading (Chapter 18.3)
 - Surface Water Management (Chapter 18.5)
 - Signs (Chapter 18.8)
 - Sensitive Lands (Chapter 18.7)

CHAPTER 18.1 – ACCESS AND CIRCULATION

SECTIONS:

18.1.100 PURPOSE

18.1.200 VEHICULAR ACCESS AND CIRCULATION

18.1.300 PEDESTRIAN ACCESS AND CIRCULATION

18.1.100 PURPOSE

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians, vehicles, equestrian, bicycles and access to transit. Section 18.1.200 provides standards for vehicular access and circulation. Section 18.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 18.4.100.

18.1.200 VEHICULAR ACCESS AND CIRCULATION

- A. Intent and Purpose.** The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Molalla, and to all properties that abut these roadways. This section implements the access management policies of the City of Molalla’s Comprehensive Plan/Transportation Systems Plan.
- B. Applicability.** This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, property line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.
- C. Access Permit Required.** Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority, as determined through the review procedures in Title 19 (Type I). Highway 211 and Highway 213 access within the City of Molalla is regulated by the Oregon Department of Transportation through OAR 734.51. ODOT may require specific improvements consistent with state standards, as conditions of approval for a highway approach.
- D. Traffic Study Requirements.** The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 19.1.910, Traffic Impact Study.
- E. Conditions of Approval.** The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or

other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

F. Corner and Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under subsection 4, below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street's classification in the City's Transportation Systems Plan; except as otherwise stated below.
2. New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to the property is available. Where no other alternatives exist, the city may allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only);
3. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings;
4. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:
 - a. Joint-use driveways and cross-access easements are provided in accordance with subsection 18.1.200(H);
 - b. The site plan incorporates a unified access and circulation system in accordance with this Section; and
 - c. The property owner(s) enter into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

G. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 18.1.300.

H. Joint and Cross Access

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

situations as follows:

- a. For shared parking areas;
- b. For adjacent developments, where access onto an arterial is limited, except as otherwise required in section 18.1.200(L).
- c. For multi-tenant development, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - 1) A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
 - 2) A design speed of 10 miles per hour, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;
 - 3) Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;

2. Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provision of Section 18.3.300(C).

3. Easement, Use and Maintenance Agreement. Pursuant to this Section, property owners shall:

- a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

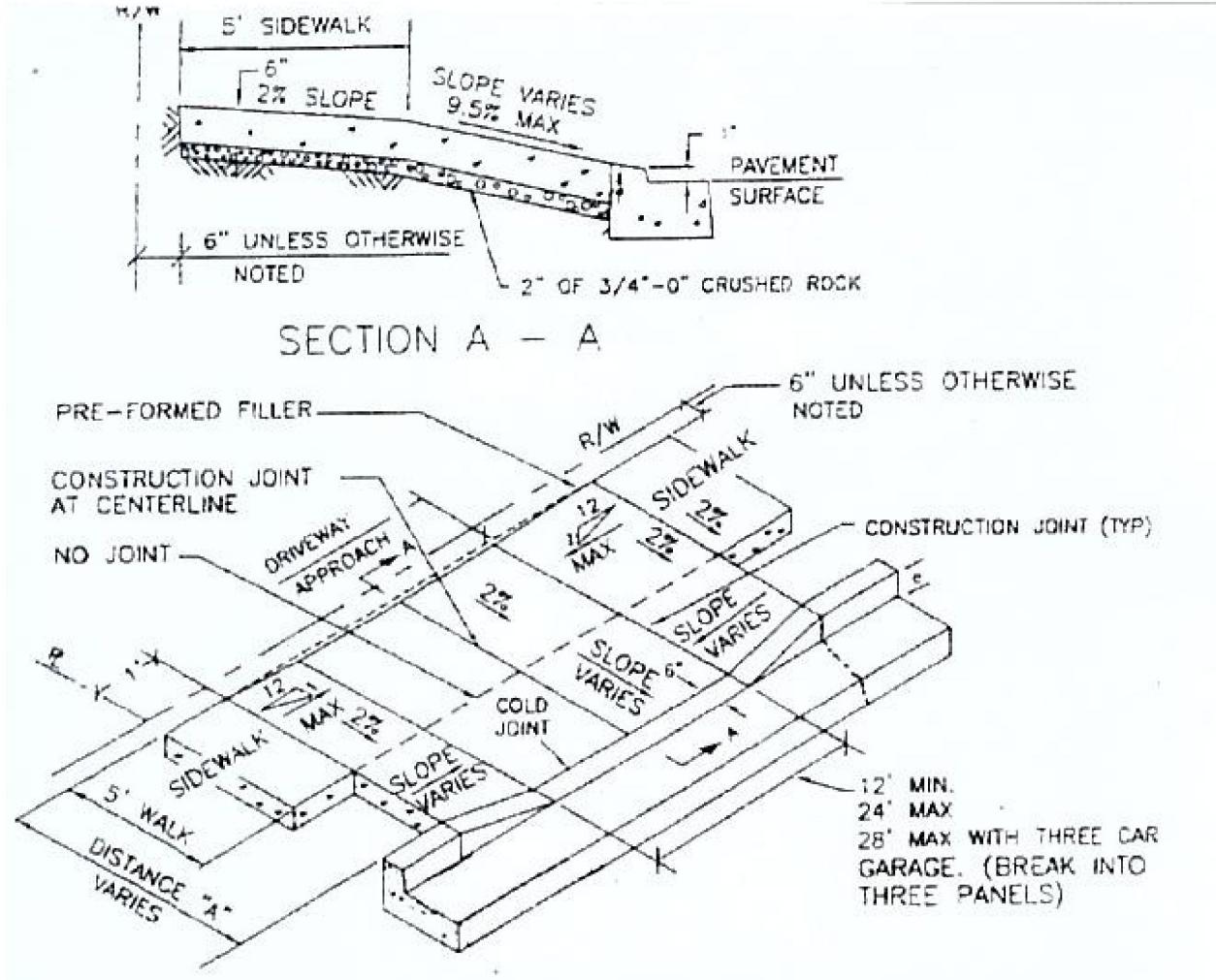
K. Access Connections and Driveway Design. All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

1. Driveway Width. Driveways shall meet the following standards:

- a. Accessway widths shall meet the requirements of Chapter 21.04 except for:

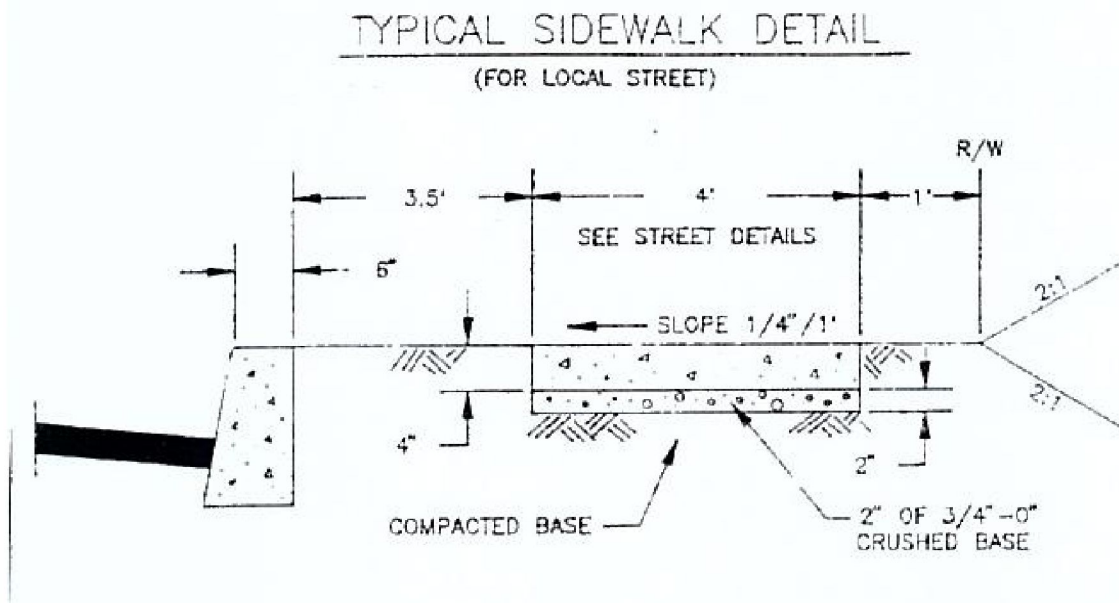
- 1) One way driveways (one way in or out) shall have a minimum driveway width of 10 feet, and a maximum width of 15 feet, and shall have appropriate signage designating the driveway as a one-way connection.
2. Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also, Chapter 18.3.500 Loading.
3. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 18.1.200(K.1) and 18.1.200(K.2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.

Figure 18.1.200K.1 Sidewalk Design Requirements



- a. The following address Figure 18.1.200K.1:
 - 1) Distance 'A' varies with street functional classification, slope will vary with distance 'A';
 - 2) Construction joints shall be 1/8" to 1/4" wide, depth of the joint shall be a minimum of 1/3 the thickness of the concrete;
 - 3) All surfaces shall be lightly broomed and edged in a workmanlike manner;
 - 4) Saw cut existing curbs where they are to be removed – if less than 3' to existing joint remove to joint. Existing A/C in front of the approach shall be saw cut and replaced with hot mix;
 - 5) Concrete shall be 3300 PSI at 28 days.

Figure 18.1.200K.2 Typical Sidewalk Details for local street



a. The following address Figure 18.1.200K.2:

- 1) Location and width of sidewalk will vary depending upon functional classification of the street, see typical street section drawings ST-500, ST-501, ST-503;
- 2) PCC shall be 3300 PSI strength at 28 days;
- 3) Expansion joints shall be placed at driveway approaches, any fixed object within the sidewalk area and at 45' (Max) intervals (should line up with contraction joints). Consist of an approved filler and shall not be less than 1/2" wide;
- 4) Contraction joints shall be placed at all changes of direction points of curvature and at 15' (Max) intervals. Joints shall be 1/8" to 1/4" wide and a minimum depth of 1/3 the thickness of the concrete;
- 5) All surfaces shall be trowled and broomed in a workmanlike manner.

L. Cross Over Easements. As a condition of development on commercial and industrial developments shared access shall be required as follows:

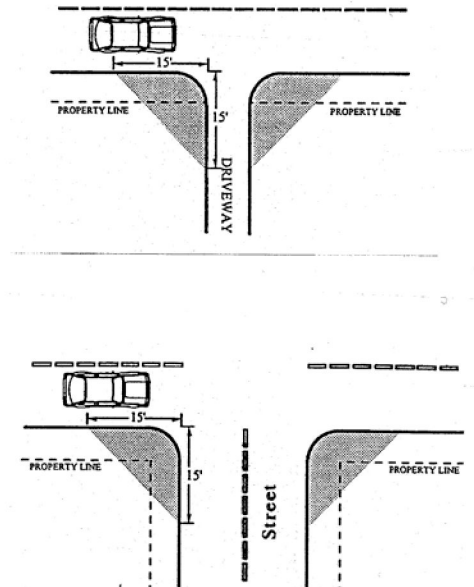
1. **Along Highway 211 and Highway 213.** Crossover easements along the highway shall be created for all new development or Major Redevelopment on both sides of a subject parcel thereby reducing the amount of accesses onto the highway. Neighboring properties must use the shared accesses created during previous developments when cross over easements have been established.

2. **All other areas:** Crossover easements may be required where such an enhancement would be beneficial to the traffic situation of the area. Each development shall be reviewed for consistency with this requirement. Determinations shall be made on existing and future projections for traffic volumes.

M. Fire Access and Turnarounds. When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed adequate aisle width (16-20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, refer to Section 18.4.100(J and Y).

N. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6” for their entire length and width.

O. Vision Clearance. The minimum distance of a vision clearance area shall be 20 feet. Where the angle of intersection between streets is less than 30 degrees, the distance shall be increased to 30 feet. No visual obstruction (*e.g.*, sign, structure, solid fence, or shrub vegetation) over 42 inches in height shall be placed in “vision clearance areas” on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided, as shown in Figure 18.1.200(N). The minimum vision clearance area may be modified by the Public Works Director/City Engineer upon finding that more or less sight distance is required (*i.e.*, due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects.



P. Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the Public Works Director/City Engineer.
2. **Surface Water Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 18.5 and applicable engineering standards.

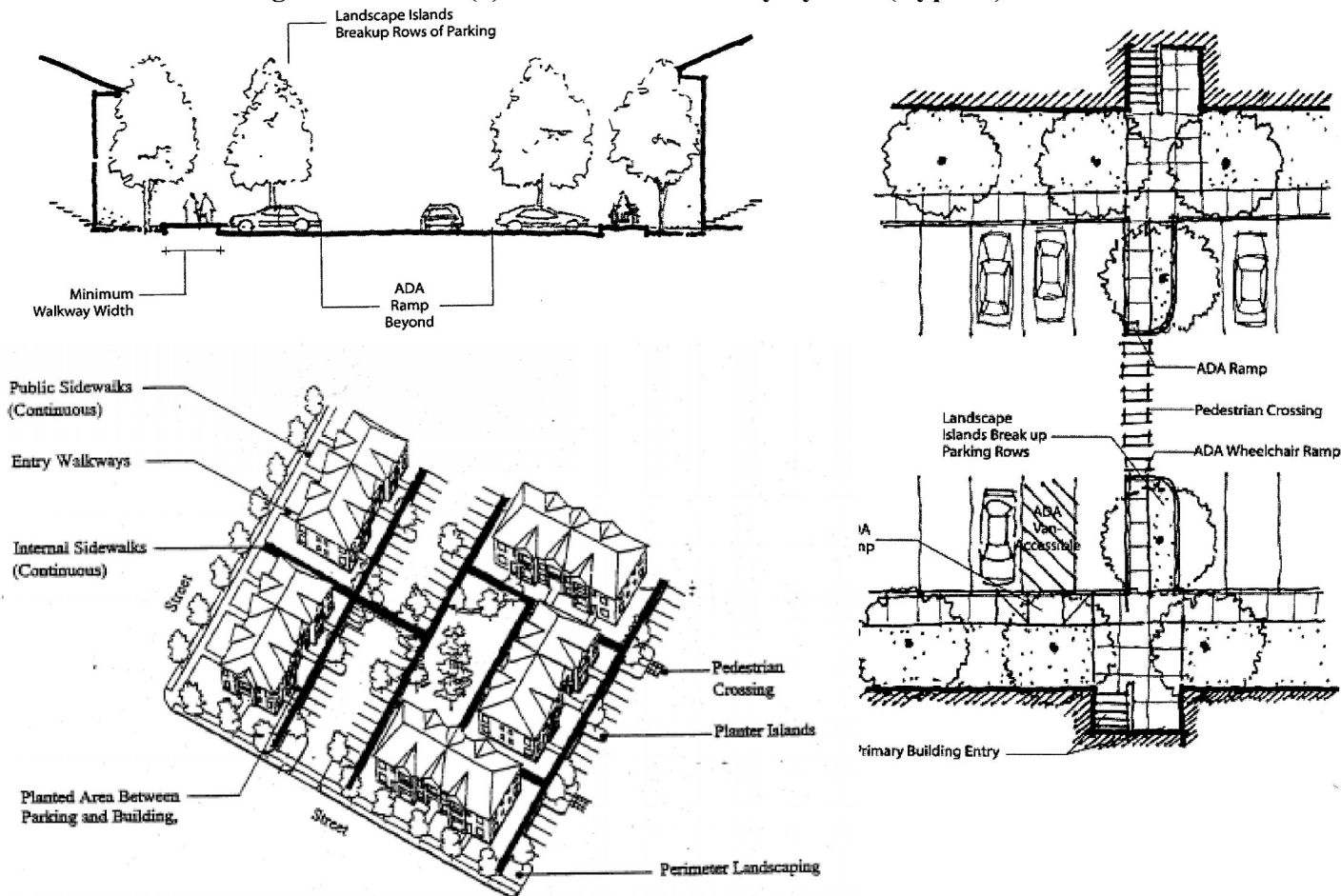
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City’s engineering design criteria and standard specifications.

18.1.300 PEDESTRIAN ACCESS AND CIRCULATION

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 18.1.200, Vehicular Access and Circulation, and Section 18.4.100, Transportation Standards.
2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
3. Connections Within Development. Connections within developments shall be provided as required in subsections a-b, below:
 - a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 18.1.300A(1); and
 - b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site as well as transit stops to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 18.1.300A(1);

Figure 18.1.300A(1) Pedestrian Pathway System (Typical)



B. Walkway Design and Construction. Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-12, as generally illustrated in Figure 18.1.300B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle’s impact, with adequate minimum spacing between them to protect pedestrians.
2. Crosswalks. Where walkways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

- a. Marked crossings shall be placed at the nearest intersection of developments when required by the Planning Director, Public Works Director, Oregon Department of Transportation and/or Clackamas County Transportation.
 - b. Marked crossings shall have continuous, detectable markings, not less than 36 inches wide using textural material that is firm, stable, slip-resistant, and consistent with ADA (Americans with Disabilities) Act and Chapter 11 of the State of Oregon Structural Specialty Code 1996 edition.
3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director/City Engineer, at least 5 feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide. Additional requirements based on specific trail plans may exist in separate parks and/or trail plans. (See also, Section 18.4.100 - Transportation Standards for public, multi-use pathway standard.)
- a. When crossing driveways and parking areas, pedestrian crossings and walkways may be built at the same elevation as the driveways if they are constructed of permanent materials, including paving or markings in a manner which contrasts and clearly delineates the crossing or walkway at any time of the day or night.
 - b. When the pedestrian circulation system is parallel and adjacent to an auto travel lane it shall be improved by raising the walkway or separating it from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier enhancing pedestrian safety. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps as approved in the public works design standards.
4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.
5. Lighting. Access ways shall be lit to enhance pedestrian and bicycle safety. Lighting shall be provided by the developer to standards established by the City Engineer and shall maintain consistency with Chapter 21.80 (Dark Skies). Lighting shall be provided at both entrances and may also be required at intermediate points along the access way as appropriate for safety, as determined by the Public Works Director/City Engineer.
6. On-site pedestrian walkways shall be well drained, hard surfaced and meet the unobstructed width requirements of the Transportation Systems Plan.
7. Slope. Walkways without stairs shall have a maximum slope of 5 percent and a maximum cross slope of 2 percent. Walkways shall be protected by bollards when bordering parking spaces. Bollards shall contrast visually with adjoining surfaces.

8. Internal Pedestrian. The internal pedestrian and bicycle circulation system in proposed developments must connect to other areas of the site.
 - a. All pedestrian connections shall:
 - 1) Connect main building entrances to the nearest sidewalk or other walkway leading to a sidewalk;
 - 2) Connect to other building entrances, to adjacent streets and to nearby transit stops;
 - 3) Connect to outdoor activity areas such as parking lots and recreational play areas and plaza's.
 - b. Wherever practicable, the entry points of required accessways shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
9. Motorized Traffic. Pedestrian ways shall be designed to prohibit motorized traffic, except motorized wheelchairs for disabled pedestrians, curbs, removable lockable posts and bollards are suggested mechanisms to achieve this.
10. Accessways.
 - a. Pedestrian / bicycle accessways shall be provided in the following situations:
 - 1) In all residential districts, accessways shall be included where practicable and shall provide reasonably direct access to the development;
 - 2) Access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future.
 - b. In residential, commercial and industrial districts accessways shall be included to:
 - 1) Connect with existing or approved accessways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties;
 - 2) Provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities;
 - 3) Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.
 - c. Entry points shall align wherever practicable with pedestrian crossing points along adjacent streets and with adjacent street intersections.

- d. The length of pedestrian / bicycle accessways between public streets shall not exceed 1,000 feet.
 - 1) Such accessways shall be free of horizontal obstruction and shall have a 9 ½ foot vertical clearance measured from the highest point on the ground at placement;
 - 2) To safely accommodate both pedestrians and bicycles, the right-of-way widths of such accessways shall be as follows:
 - a) The accessways shall have a minimum 15 foot wide right-of-way with a minimum 10 foot wide paved surface;
 - b) If an accessway also provides a secondary fire access or a public utility corridor, the right-of-way width shall be at least 20 feet with a minimum 15 foot wide paved surface.
 - e. Accessways shall be direct with both end points of the accessway visible from any point along the accessway except as otherwise approved by the Planning Director and/or Public Works Director/City Engineer.
11. Walkways in Parking Areas. Provide well defined pedestrian walkways through parking areas and from public sidewalks into the site.
- a. Well defined walkways use pavers, changes in color, texture, and composition of paving materials and vertical plantings such as trees and shrubs.
12. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail.
13. Provide buffering or transitions between uses.
14. In industrial districts encourage outdoor eating areas conveniently located for use by employees.
15. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
16. Walkways. A walkway from a building entrance to a public street shall be provided for every 200 feet of street frontage or for every 5 rows of vehicle parking, whichever is the greater distance.
- a. On-site vehicular circulation systems and required pedestrian walkways shall be designed to minimize vehicular/pedestrian conflicts through measures such as minimizing driveway crossings, creating separate pedestrian walkways through the site and parking areas, and designating areas for pedestrians by marking crossings with changes in textured material.

CHAPTER 18.2 – LANDSCAPING, STREET TREES, FENCES AND WALLS

SECTIONS:

- 18.2.100 PURPOSE
- 18.2.200 LANDSCAPE CONSERVATION
- 18.2.300 LANDSCAPING
- 18.2.400 STREET TREES
- 18.2.500 FENCES AND WALLS

18.2.100 PURPOSE

The purpose of Chapter 18.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. This Chapter is organized into the following sections:

18.2.200 LANDSCAPE CONSERVATION

Prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references with Chapter 18.7, which regulates development of sensitive lands.

- A. Applicability.** All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 18.7). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.
- B. Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 19.2, Site Design Review, and Chapter 18.7, Sensitive Lands. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

- C. Protection Standards.** Significant trees and shrubs shall be retained to the extent practicable to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare.
- D. Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.
- E. Exemptions.** The protection standards in “C” and “D” shall not apply to:
1. Dead or Diseased Vegetation. Dead or diseased vegetation may be removed through a Type I Land Use Review.
 2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Title 19 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider.

18.2.300 LANDSCAPING

Sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in Title 17, Land Use Districts, for specific types of development.

A. Applicability. This section shall apply to all new developments requiring Site Design Review.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Section 19.2.500.

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential and Residential-Commercial Districts. 7-20 percent of the site pursuant to Table 17.2.120.
2. Central Business District. 5 percent of the site pursuant to Table 17.3.120.
3. General and Highway Commercial District. 10 percent when placed behind a building and not visible from a public right-of-way and 15 percent when visible from a public right-of-way of the site pursuant to Table 17.2.120.
5. Industrial District. 15 percent of the site pursuant to Table 17.4.120.

D. Landscape Materials. Permitted landscape materials include a mix of trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically 3 or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. The development shall be designed in such a manner that as many trees as possible can be preserved. Significant trees shall be maintained unless no other alternatives exist. All trees remaining on site shall be protected during construction. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of 2 new trees for every one tree protected.
2. 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. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
3. “Non-native, invasive” plants, shall be removed during site development and the planting of new invasive species is prohibited.

4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area; except in the Central Business District where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.
6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of two 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected in accordance with Section 18.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 18.2.400 may be waived by the City when existing trees protected within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 18.4.400, shall be landscaped with water tolerant, native plants.

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

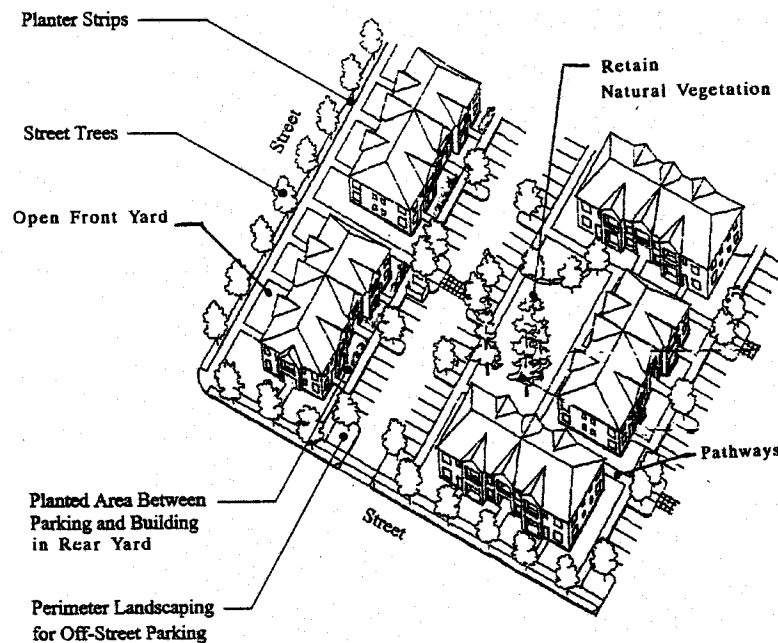
1. Yard Setback Landscaping. Landscaping in yards shall:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks;
 - c. Retain natural vegetation;

- d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
 - f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
 - g. Use a combination of plants for year-long color and interest;
 - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.
2. Parking areas. It is the responsibility of the applicant to design the development in such a manner as necessary to break up parking and soften the impacts felt by large areas of parking. This is a critical element in maintaining Molalla’s identity as a recreation community.
- a. Parking areas of 25 or more parking spaces shall be broken up through the use of large landscape areas with pedestrian accessways (i.e., at least 15 feet in total width, plazas, streets, or driveways with street-like features) street-like features, for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6 inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian oriented lighting.
 - b. Parking lots not underground or located within a contained building are exempt from landscape standards.
 - 1) Such landscaping shall consist of “evenly distributed” shade trees with shrubs and ground cover plants that conform to the criteria in Section 18.2.300.E.1.a-h, above. Evenly distributed means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.
 - 2) At a minimum, one tree per 8 parking spaces on average shall be planted to create a partial tree canopy over and around the parking area.
 - 3) Parking areas shall be broken up by landscape islands so no more than 10 contiguous parking spaces exist without a landscape break.
 - 4) All parking area landscapes shall have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

- c. Interior landscaping shall be protected by wheel stops or curbing, or be of sufficient width to prevent damage to plants by overhanging vehicles. There shall be a minimum of 3 shrubs and one tree, a minimum of 2 inch caliper measured 4 feet above grade at time of planting.
 - d. There shall be a mix of vertical and horizontal elements.
 - e. The design for parking areas shall include deciduous and evergreen trees to provide shade and break up expanses of asphalt.
3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
- a. Parking/Maneuvering Area Adjacent to Streets and Drives and Residential Zones. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3 feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover.
 - b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.
 - c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:
 - 1. a decorative wall (i.e., masonry or similar quality material),
 - 2. evergreen hedge,
 - 3. opaque fence complying with Section 18.2.500, or
 - 4. a similar feature that provides an opaque barrier.

- d. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation in accordance with Chapter 18.1, Access and Circulation. (See Section 18.2.500 for standards specific to fences and walls.)
- e. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at his or her discretion.

Figure 18.2.300E General Landscape Areas (Typical)



F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

1. All landscaped areas shall be irrigated by an underground system unless a certified arborist or a certified landscape professional certifies in writing that the property and existing vegetation will not require water to survive. If at any time a development's landscaping begins to die, an underground irrigation system shall be required within 60 days and the landscaping shall be replanted where it has died.

G. Additional Landscaping Requirements

1. Open storm water detention facilities shall be incorporated into project landscaping and open space where geographically feasible.
2. Architectural features such as low walls, fountains, and sculptures may be used in places where planting areas are limited.
3. Minimum landscape requirements on remodels:
 - a. 25 – 49 percent of the tax assessed value of a tax lot shall require 25 percent of the landscape requirements to be met.
 - b. 50 – 74 percent of the tax assessed value of a tax lot shall require 50 percent of the landscape requirements to be met.
 - c. 75 percent or more of the tax assessed value of a tax lot shall require 100 percent of the landscape requirements to be met.
4. Required landscaping shall include a mix of vertical (trees) and horizontal elements (grass, ground cover, etc).
5. Individual trees along walkways and along sidewalks in the internal portions of projects shall be planted in tree wells or planter boxes.
6. Developments shall be designed in such a manner that as many trees as possible can be preserved. Significant trees shall be maintained unless no other alternatives exist. All trees to remain on site shall be protected during construction.
7. Newly planted trees shall be supported (e.g. by use of stakes and wire) to prevent damage by strong winds.
8. Outside of parking areas, every 200 square feet of landscape area there shall be a minimum of; 3 shrubs and one tree with a minimum 2 inch caliper measured at 4 feet above grade at time of planting.
9. Deciduous trees with low branches shall be utilized on the south side of buildings for summer shade and winter warmth.
10. Required perimeter setback areas shall be densely landscaped with a combination of trees and shrubs, which form a 90 percent ground cover within 3 years of planting.
11. Interior site landscaping is required to define pedestrian ways, enclose outdoor gathering and seating areas, and reduce the appearance of building and parking mass.

18.2.400 STREET TREES

Sets standards for and requires planting of trees along designated streets for shading, comfort, and aesthetic purposes.

Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review. Requirements for street tree planting strips are provided in Section 18.4.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

- A. Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:
1. Provide a broad canopy where shade is desired, except where limited by available space or except in 4 below.
 2. Use low-growing trees for spaces under low utility wires.
 3. Select trees which can be “limbed-up” to comply with vision clearance requirements.
 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
 8. Select trees for their seasonal color if desired.
 9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
 11. Consistency with other street trees in the area.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first 2 years after planting, after which the adjacent property owners shall maintain the trees.

E. Assurances. Alternative 1: The developer shall pay a fee to the City, in accordance with the adopted fee schedule, for each required street tree. The fee shall cover the City’s expense for the first 2 years of care. Alternative 2: The City shall require the developer to provide a performance and maintenance bond in an amount determined by the Public Works Director/City Engineer, to ensure the planting of the tree(s) and care during the first 2 years after planting.

F. Consistency. Street tree's shall be approved by the Public Works Director and shall be consistent in type of an area. This requirement will ensure inconsistent design through street tree enhancements does not occur.

G. Street Tree List.

Name	Scientific Name	Cultivar	Height (ft)	Width (ft)	Planting Strip Width			Comments
					3'-4'	4'-6'	6'+	
Ash, Autumn Purple	Fraxinus Americana	'Junginger'	45	40			✓	Beautiful fall colors
Ash, Flowering	Fraxinus Omus		30	25	✓			Summer flowering
Ash, Globe-headed European	Fraxinus excelsior	'Globosum'	20	15		✓	✓	Rounded, dense
Ash, Golden Desert	Fraxinus excelsior	'Aureaefolia'	20	18	✓			Relatively horizontal branch structure, good fall color
Ash, Green	Fraxinus pennsylvanica	'Marshall'	50	40			✓	Tough and adaptable tree
Ash, Oregon	Fraxinus latifolia		50	30		✓	✓	Native
Ahse, Patmore	Fraxinus pennsylvanica	'Patmore'	45	35		✓	✓	Dark glossy leaves, choose male selections, very hardy
Ash, Raywood	Fraxinus oxycarpa	'Raywood'	45	30		✓	✓	Fast growing
Ash, Summit	Fraxinus pennsylvanica	'Summit'	45	25		✓	✓	Symmetrical, apparently seedless

18.2.400 – Street Trees

Name	Scientific Name	Cultivar	Height (ft)	Width (ft)	Planting Strip Width			Comments
					3'-4'	4'-6'	6'+	
Ash, Urbanite	Fraxinus pennsylvanica	'Urbanite'	50	40			✓	Very good selection, glossy leaves, tolerant of city conditions
Ash, White	Fraxinus Americana	'Autumn Applause'	40	25		✓	✓	Resistant to heat, transplants easily, compact shape
Beech, European	Fagus sylvatica		50	40	✓			Oval, dense, upright
Beech, Rivers Purple	Fagus Sylvatica	'Riversil'	50	40			✓	Purple leaves that fade to green, good canopy tree
Beech, Tricolor	Fagus sylvatica	'Reseomarginata'	30	20	✓			Difficult to establish, slow growing, good canopy tree
Black Gum / Black Tupelo	Fagus sylvatica		35	20		✓	✓	Can be difficult to transplant as ball and burlap, droopy branches when young, adaptable to urban conditions
Cascara	Rhamnus purshiana		25	28		✓	✓	Native, shade tolerant, attracts wildlife
Cherry	Prunus x yedoensis	'Akebono'	25	25	✓			Red foliage, pink flower
Cherry, Canada Red	Prunus virginiana	'Canada Red'	25	20	✓			Pink flower
Cherry, Columnar Sargent	Prunus sargentii	'Columnaris'	35	15	✓			Pink flower, good fall color, narrow upright
Cherry Kwanzan	Prunus Serrulata	'Kwanan'	30	20		✓	✓	Upright growth habit, showiest flower
Cherry, Yoshino	Prunus x yedoensis	'Yoshino'	30	30	✓			Columnar, good for tight spaces, made famous by Tidal Basin in Washington D.C.
Coffeetree Kentucky	Gymnocladus Dioicus		50	35		✓	✓	Irregular branching habit, better for open areas
Crabapple Flowering	Malus sp.	'Centzam'	20	15	✓			Red flowers, upright growth
Crabapple Pririfire	Malus sp.	'Red Barron'	18	8	✓			Adapts to urban conditions, narrow form, one of the best crabs
Dogwood, Kousa	Cornus Kousa	'Many Clutivars'	20	20	✓			Low branching, the Kousa hybrid selections are the best choices, Chinese, Constellation, Aurora, and Stellar Pink
Elm, Homestead	Ulmus	'Homestead'	55	35			✓	Tolerant of DED and Phloem Necrosis, good canopy tree, fast growing
Elm, Lacebark or Chinese	Ulmus Paryfolia		40	40		✓	✓	Tolerant of DED and Phloem Necrosis, good canopy tree
Ginkgo, Saratoga	Ginkgo Biloba	'Saratoga'	30	30		✓	✓	Round, good shade tree, gold leaves drop all at once
Hackberry	Celtis Occidentalis		45	35		✓	✓	Deep roots seldom causes sidewalk damage difficult to transplant in fall, a tough tree tolerant of urban abuse
Hawthorn, Black	Crataegus Douglasli		20	15		✓	✓	Small tree with 1 1/2 " thorns, showy flowers, shade tolerant
Hawthorn, Crimson Cloud	Crataegus Laevigata	'Crimson Cloud'	25	18	✓			Red flowers with white centers
Hawthorn, Lavelle	Crataegus x Lavellei		28	20	✓			Irregular vase shape, good foliage
Hawthorn, Washington	Crataegus phaenopyrum		25	20	✓			Orange fruit
Honeylocust	Gleditsia triacanthos	'Shademaster'	45	35		✓	✓	Tolerant of pod gall midge, irregular vase shape
Honelocust, Skycole	Gleditsia triacanthos	'Skycole'	45	35		✓	✓	Tolerant of pod gall midge, well behaved form
Hophornbeam, American	Ostry virginiana		40	25		✓	✓	Slow to establish after transplanting, good in urban settings
Hophornbeam, European	Ostrya chisosensis		40	25			✓	Round shape, belongs to birch family
Hornbeam, American	Carpinus caroliniana		25	20	✓			Difficult to transplant, outstanding fall color

18.2.400 – Street Trees

Name	Scientific Name	Cultivar	Height (ft)	Width (ft)	Planting Strip Width			Comments
					3'-4'	4'-6'	6'+	
Hornbeam, European	Carpinus betulus	'Fastigiata'	35	25		✓	✓	Columnar when young, but broadens to oval shape, few pest or disease problems, eriophyid mites can cause severe yellowing.
Katsura Tree	Cercidiphyllum Japonicum		40	40		✓	✓	Heart shaped leaf, susceptible to drought induced leaf drop in mid to late summer
Lilac, Japanese Tree	Cercidiphyllum Japonicum		20	15	✓			All Japanese lilac are susceptible to bacterial blight
Linden, American	Tilia Americana x euchlora	'Redmond'	35	25		✓	✓	Large leaves compared to 'Greenspire' grows rapidly when young
Linden, Glenleven	Tilia x flavescens	'Glenleven'	50	30		✓	✓	Pyramidal form
Linden, Greenspire	Tilia cordata	'Greenspire'	40	30		✓	✓	Does very well in street situations, can sun scald
Linden, Little Leaf	Tilia cordata	'Chancole'	35	20		✓	✓	Narrow, tight symmetrical tree
Linden Sterling	Tilia Tomentosa	'Sterling'	45	35		✓	✓	Beautiful tree, gray undersides to leaves vigorous growing
Magnolia Kobus	Magnolia Kobus		40	30		✓	✓	Often multi-stemmed, large white flowers
Maple, Amur	Acer Ginnala	'Amur'	20	20	✓			Green foliage, turning yellow
Maple, Autumn Blaze	Acer x freemanii	'Jeffersred'	50	40			✓	Good, long lasting orange to red fall color
Maple, Bowhall Red	Acer roburum	'Bowhall'	40	15		✓	✓	Good columnar tree, sturdy and narrow, smaller than Armstrong
Maple, Cleveland Norway	Acer Platanoides	'Cleveland'	40	30		✓	✓	Good for city use, compact and upright
Maple, Columnary Norway	Acer platanoides	'Columnar'	35	15		✓	✓	Unightly when young, but relatively narrow
Maple, Crimson King Norway	Acer platanoides	'Crimson King'	40	35		✓	✓	Purple leaves, good looking but susceptible to sun scald
Maple, Crimson Sentry Norway	Acer platanoides	'Crimson Sentry'	25	15	✓			Compact and heavily branched great tree, most resistant to trunk scald of Norway
Maple, Emerald Queen Norway	Acer platanoides	'Emerald Queen'	50	40			✓	Very good upright branched selection, oval, good tolerance
Maple, Flame Amur	Acer platanoides	'Flame'	20	20	✓			Great Fall color, but variable growth habit and lots of seeds, very hardy
Maple, Global Norway	Acer ginnala	'Globe'	15	18	✓			The original lollipop tree, best in very formal situations, dense and compact, can block vision if branched too low
Maple, Hedge	Acer platanoides	'Hedge'	30	30	✓			Low maintenance tough tree, long lived, med-slow growing
Maple, Norwegian Sunset Norway	Acer truncatum x A. platanoides	'Laithsform'	35	25		✓	✓	Upright, oval, uniform canopy and branch structure
Maple, October Glory Red	Acer rubrum	'October Glory'	40	35		✓	✓	Round, last to color in fall less cold hardy, good fall color
Maple, Pacific Sunset	Acer truncatum A. platanoides	'Pacific Sunset'	30	25		✓	✓	Outstanding color, spreading form
Maple, Paperbank	Acer griseum	'Paperbank'	25	20	✓			Exfoliating bark, attractive leaves in summer and fall
Maple, Parkway	Acer platanoides	'Columnarbroad'	40	25		✓	✓	Good upright selection, nice branching, good for wide streets
Maple, Queen Elizabeth	Acer campestre	'Evenlyn'	35	30		✓		Upright and vigorous
Maple, Red	Acer Rubrum	'Armstrong'	45	15		✓	✓	Very narrow, fast growing
Maple, Red Sunset	Acer rubrum	'Franksred'	45	35		✓	✓	One of the best, usually over planted, fast growing
Maple, Rocky Mt Glow	Acer grandidentatum	'Schmidt'	25	15	✓			Slow growing, intense fall color

Name	Scientific Name	Cultivar	Height (ft)	Width (ft)	Planting Strip Width			Comments
					3'-4'	4'-6'	6'+	
Maple, Scanlon Red	Acer rubrum	'Scanlon'	40	15		✓	✓	Upright, narrow, red/orange fall color
Maple Shwedler Norway	Acer platanoides	'Schwedlerli'	50	45		✓	✓	Round, dense, yellow foliage in the fall
Maple, Sugar	Acer Saccharum	'Legacy'	50	35			✓	Glossy dark green leaves, excellent cultivar
Maple, Superform	Acer platanoides	'Superform'	42	40		✓	✓	Well behaved growth symmetrical and uniform
Maple, Trident	Acer buergeranum	'Trident'	20	20	✓			Small stature, good for confined sites, lovely fall color
Oak, English	Quercus robur		50	40			✓	Broad and rounded large sturdy tree
Oak, Bur	Quercus macrocarpa		55	45		✓	✓	One of the most beautiful oaks, good canopy tree
Oak, Forest Green Hungarian	Quercus frainetto	'Schmidt'	50	30			✓	Upright oval with extremely glossy foliage, good canopy tree
Oak, Pin	Quercus palustris		55	40			✓	Needs space due to limb drooping, good for parks or large planters, cannot handle high ph
Oak, Red	Quercus rubra		50	45			✓	Great tree, large and fast growing, good canopy tree
Oak, Sawtooth	Quercus acutissima		40	40			✓	Fast growing spread, wonderful summer foliage, glossy, sharp appearance
Oak, Scarlet	Quercus Coccinea		50	40			✓	Deep brilliant red in fall
Oak, Shumard	Quercus shumardii		50	40			✓	Does well even in areas of poor drainage, upright and spreading
Oak, Skyrocket	Quercus robur	'Fastigiata'	45	15		✓	✓	Good for streets, uniformly narrow
Oak, Swamp White	Quercus bicolor		45	45			✓	Glossy foliage, good canopy tree, rounded and open
Oak, White	Quercus alba		40	40			✓	Slow growth
Oak, Willow	Quercus phellos		60	40			✓	Tolerant of urban conditions, thrives in moist/wet soils, rapid growth, good shade tree
Oak, Shingle	Quercus imbricaria		50	40			✓	Large shade tree, good summer foliage
Pear	Pyrus calleryana	'Aristocrat'	40	28		✓	✓	Fairly resistant to storm damage, pyramidal
Pear, Autumn Blaze	Pyrus calleryana	'Autumn Blaze'	30	25		✓	✓	Best cold hardiness of the callery pears, earliest to develop fall colors
Pear, Capital	Pyrus calleryana	'Capital'	35	12		✓	✓	Very columnar selection
Pear, Chanticleer	Pyrus calleryana	'Chanticleer'	40	15		✓	✓	One of the best flowering pear selections, narrow
Pear, Redspire	Pyrus calleryana	'Redspire'	35	25		✓	✓	Good smaller selection
Persian parrotia	Parrotia Persica		30	20	✓			Excellent small tree
Plan Tree, London	Platanus Acerifolia	'Bloodgood'	50	40			✓	More resistant to Anthracnose, although still can get badly infected, good canopy tree, broadly pyramidal
Redbud, Eastern	Cercis Canadensis		25	30	✓			Beautiful small flowering tree, but can experience a lot of branch breakage, die back, multi-stemmed
Serviceberry, Allegeny	Amelanchier Laevis		25	15	✓			Oval, irregular shaped
Snowbell, Japanese	Styrax Japonica		25	20	✓			Beautiful small tree, early summer flowers, round
Sourwood	Oxydendrum arboretum		20	15		✓	✓	Temperamental tree, difficult to establish, slow growing
Stewartia, Japanese	Stewartia pseudocamelilia		30	20			✓	Great tree, with white camellia like flowers and red fall color, exfoliating bark

18.2.400 – Street Trees

Name	Scientific Name	Cultivar	Height (ft)	Width (ft)	Planting Strip Width			Comments
					3'-4'	4'-6'	6'+	
Tuliptree	Liriodendron, tulipifera		60	30		✓	✓	Beautiful tree in larger plantings, good canopy tree, fast growing
Tuliptree, Arnold	Liriodendron, tulipifera	'Arnold'	50	15		✓	✓	Columnar, cultivar, can be difficult to find
Yellowwood	Cladrastis kentukea		30	40		✓	✓	White, and fragrant flowers, urban tolerant
Zelkova, Green Vase	Zelkova serrata	'Green Vase'	45	30		✓	✓	Probably the best of the Zelkova selections, vase shaped
Zelkova, Halka	Zelkova serrata	'Halka'	45	35		✓	✓	Upright and vase shaped, fast growing, good canopy tree
Zelkova, Village Green	Zelkova serrata	'Village Green'	40	40		✓	✓	Vase shaped, dense foliage, fast growing

18.2.500 FENCES AND WALLS

Sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district (Title 17) and the standards of this Chapter. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls are allowed outright; if greater than 6 feet in height, a building permit is also required. (See also, section 18.2.300 for landscape screening wall requirements.)

B. Dimensions.

1. In all cases, fence and wall height shall be measured from the top of the fence or wall to ground level where sidewalk grade would occur or exists.
2. Fences and walls may be constructed or maintained with the following limitations:
 - a. Fences and walls shall be constructed or maintained in front setback areas only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:
 - 1) The height of fences and walls within a front yard setback shall not exceed 42 inches in height measured from the grade closest to the street right-of-way.
 - 2) Fences shall be allowed outright when they are 6 feet in height or less and comply with the requirements of this Chapter.
 - b. Fences shall be allowed to exceed 6 feet in height and extend to 8 feet in height maximum with approval from the Planning Director and after obtaining a building permit when outside of vision clearance areas.
 - c. A retaining wall exceeding 42 inches in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.
 - d. Walls and fences to be built for required buffers shall comply with section 18.2.300.

- e. Fences and walls shall comply with the vision clearance standards of section 18.1.200(N).

C. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks, stone; stucco, rod iron, or similar masonry, and non-prohibited evergreen plants.
 - a. Chain link with slats does not constitute site obscuring.
2. Prohibited fence and wall materials: concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than 8 feet unless otherwise required by law or to address security need in industrial districts as found by the hearings body.
3. Fences or walls constructed of brick or masonry exceeding 4 feet in height shall be subject to review and approval by the Building Official.
4. In the Employment District periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen services and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

CHAPTER 18.3 – PARKING AND LOADING

SECTIONS:

- 18.3.100 PURPOSE**
- 18.3.200 APPLICABILITY**
- 18.3.300 AUTOMOBILE PARKING STANDARDS**
- 18.3.400 BICYCLE PARKING STANDARDS**
- 18.3.500 LOADING**

18.3.100 PURPOSE

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critical to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, general transportation, and increased use through the commitment of the community to pursue and thrive as a recreation-oriented community. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

18.3.200 APPLICABILITY.

All developments shall comply with the provisions of this Chapter.

A. General Regulations.

1. The provisions and maintenance of off-street parking and loading are continuing obligations of the property owner.
2. No building or other permit shall be issued until plans are presented which show property that is and will remain available for exclusive use as off-street parking and loading space.
3. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.
4. Should the owner or occupant of a lot or building change the use to which the lot or building is placed, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this title to begin or maintain such altered use until the required increase of off-street parking or loading is provided.

18.3.300 AUTOMOBILE PARKING STANDARDS

A. Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 18.3.300(A), or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review. Where a use is not specifically listed in this table, parking requirements are determined by finding a use that is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

1. Parking standards in the Central Business District (CBD) shall receive a 40 percent reduction from the parking requirement standards. Due to the size of parcels in the CBD, there may be times when parking standards cannot be met. For every parking space which the applicant is unable to meet, the applicant shall pay a fee as required by City Council Resolution. This money shall be placed in a fund to be used for purchasing signage for additional parking and / or repair and creation of additional parking.
2. Staff shall review each shortage of parking. A determination of reducing the number of spots may only be made through the following observations:
 - a. A maximum reduction of 25 percent may be allowed.
 - b. Whether additional parking is close by and how accessible it is.
3. The availability of off-street parking opportunities in the immediate area.

Table 18.3.300A – Minimum Required Parking by Use

Item	Use Categories	Minimum Parking Per Land Use (Fractions rounded down to the closest whole number)
A	Residential	
A.1	Accessory Dwelling	None
A.2	Single-family dwelling, including attached & detached dwellings & manufactured homes	2 per dwelling unit (1 must be covered)
A.3	Duplex	2 per dwelling unit (1 per dwelling unit must be covered)
A.4	Multi-family	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
A.5	Group living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	1 space per 4 bedrooms
A.6	Elderly or disabled dwelling	.75 spaces per dwelling unit
B	Commercial	
B.1	Drive-up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Chapter 17.3.190	No requirement. See section 17.3.190 for queuing area requirements
B.2	Bed and Breakfast Inn / Boarding House	1 space per bedroom
B.3	Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 sq. ft. floor area
B.4	Entertainment, Major Event	Per CU review (Chapter 19.4)
B.5	Offices	Bank, business or professional office with on-site customer service: 1 space per 400 sq. ft. gross floor area Other office space: 2 spaces per 1,000 sq. ft. floor area
B.6	Outdoor Recreation, Commercial	Per CU review (Chapter 19.4)
B.7	Parking Lot (when not an accessory use)	Per CU review (Chapter 19.4)
B.8	Quick Vehicle Servicing or Vehicle Repair. (See also drive-up/drive-in/drive-through uses, per Chapter 17.3.190)	2 spaces, or per CU review (Chapter 19.4)

Item	Use Categories	Minimum Parking Per Land Use (Fractions rounded down to the closest whole number)
B.9	Retail Sales and Service (see also drive-up uses)	Retail: 2 spaces per 1,000 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 1,000 sq. ft. Restaurants and Bars: 8 spaces per 1,000 sq. ft. floor area Lodging (hotels, motels, inns), (see also Bed & Breakfast Inns): 1 per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above Theatres & Cinemas: 1 per 3 seats, plus 1 per 6 seats in excess of 800 seats
B.10	Self Service Storage	No standard

Item	Use Categories	Minimum Parking Per Land Use (Fractions rounded down to the closest whole number)
B.11	Sports clubs, Aquatic centers, Gyms, Indoor Arena's, Court facilities	Amusement Park: 20 plus 1 per 1,000 sq. ft. of gross floor area Billiard or Pool Hall: 3.33 per 1,000 sq. ft. of gross floor area Dance Halls / Gymnasiums: 3.33 per 1,000 sq. ft. Indoor Arena Stadium: 1 for each 2 seats and/or 8 foot of bench length Sports Club / Recreation Facility: 6.5 per 1,000 sq. ft. of gross floor area Racquetball / Tennis Facility: 2 per court Swimming Pools / Aquatic Centers: 5 per 1,000 sq. ft.
B.12	Bowling Alley	5 spaces per lane
B.13	Barber & Beauty Shops	1 space per seat plus 1 for each employee
B.14	Video Arcade	1 space per 100 square feet
C	Industrial	
C.1	Industrial Service (see also Drive-up uses)	1 space per 1,000 sq. ft. of floor area
C.2	Manufacturing and Production	2 spaces per 1,000 sq. ft. of floor area
C.3	Warehouse and Freight Movement	.5 spaces per 1,000 sq. ft. of floor area
C.4	Waste-Related	Per CU review (Chapter 19.4)
C.5	Wholesale Sales - Fully Enclosed - Not Enclosed	1 space per 1,000 sq. ft. Per CU review (Chapter 19.4)
D	Institutional	
D.1	Basic Utilities	None
D.2	Colleges	3 per 1,000 sq. ft. gross floor area
D.3	Community Service	1 space per 200 sq. ft. of floor area
D.4	Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area or 2 spaces per teacher whichever is greater
D.5	Public Parks & Open Space	None
D.6	Religious Institutions & Houses of Worship	1 space per 75 sq. ft. of main assembly area; or per CU review, as applicable
D.7	Schools	Grade, elementary, middle, junior high schools: 2 spaces per classroom High School: 10 spaces per classroom
D.8	Library or Museum	1 space per 250 sq. ft. gross floor area
Item	Use Categories	Minimum Parking Per Land Use (Fractions rounded down to the closest whole number)
D.9	Hospital	1.5 spaces per bed
D.10	Auditorium or Meeting Room	1 space per 4 seats or 8 foot of bench length
E	Other	
E.1	Accessory Uses (with permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Land Use Review, Conditional Use Permit review, or Site Design Review
E.2	Funeral Home / Mortuary	1 space per 4 seats

B. Vehicle Parking - Minimum Accessible Parking

4. Accessible parking shall be provided for all uses in accordance the standards in Table 18.3.300(B); parking spaces used to meet the standards in Table 18.3.300(B) shall be counted toward meeting off-street parking requirements in Table 18.3.300(A);
5. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
6. Accessible spaces shall be grouped in pairs where possible;
7. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
8. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 18.3.300(B) - Minimum Number of Accessible Parking Spaces			
Source: ADA Standards for Accessible Design 19.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles			
one out of every 8 accessible spaces		*7 out of every 8 accessible parking spaces	

C. Shared parking. Required parking facilities for 2 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. The City may approve owner requests for shared parking through Land Use Review.

- D. Carpool/Vanpool parking.** New office or industrial development, with 100 or more required parking spaces, shall designate at least 5 percent of the required spaces to carpool and vanpool parking. Carpool and vanpool parking shall be *encouraged* in new commercial, industrial, and institutional development where 40 or more spaces are required. Where carpool and/or vanpool parking is provided, it shall be located closer to the main entrance than all other parking, with the exception of accessible spaces. Carpool/vanpool spaces shall be clearly marked with the phrase, “*Reserved – Carpool/Vanpool Only*” and shall also state the specific hours of use.
- E. Special Provisions for Temporary Parking.** In the case of special events, such as; sports events, circuses, carnivals, and rodeos, where the activity is not part of the community’s general pattern, the City Manager may waive those requirements for off-street parking which pertain to location, joint use, enclosure, and areas required, provided the waiving of such requirements does not have effect for more than 5 days.
- F. Off-site parking.** Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 300 feet of the use it serves and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
- H. General Parking Standards.**
1. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Title 17, Land Use Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 18.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.
 3. Units of Measurement. For assemblies which utilize bench-type seating, every 20 inches of bench seating shall account for one (1) seat for the purpose of determining requirements for off-street parking facilities. Additionally, the following formula shall be used to calculate the required off-street parking for multilevel structures:

TABLE 18.3.300: GROSS FLOOR AREA FORMULA

Number of Floor Levels	Percentage to Determine Parking Spaces
Main Floor	100%
Basement and Second Floor	50%
Additional Stories	35%

3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.
4. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 18.8.
5. Lighting. Parking areas shall have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.
6. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

I. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 18.3.300(F)(1) through (3), and Table 18.3.300(F):

1. Motor vehicle parking spaces shall meet the standards in Table 18.3.300(F) for size dimensions;
2. Parking area layout shall conform to the dimensions in Figure 18.3.300(F.1 and 2), and Table 18.3.300(F), below;
3. Parking areas shall conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
4. Bicycle parking shall be on a 2 feet by 6 feet minimum concrete pad per bike, or within a garage or patio of residential use.

Figure 18.3.300(F)(1) - Parking Area Layout

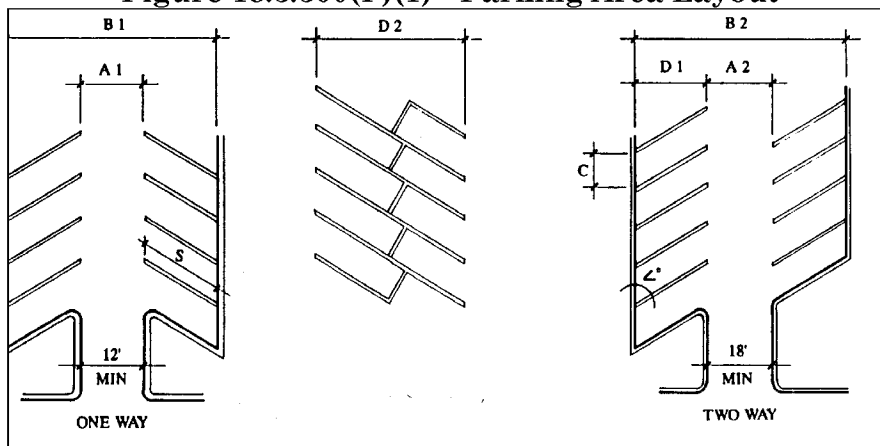


Table 18.3.300(F) – Parking Area Layout

Parking Angle	Stall Width	Minimum Stall Depth	Minimum Clear Aisle Width	Minimum Clear Stall	Clear Distance Aisle / Stall Width
Parallel	8'	19'6"	12'	22'	20'
30°	9'6"	17'6"	12'	19'	29'6"
45°	9'6"	19'6"	13'	13'6"	32'6"
60°	9'6"	20'6"	18'	11'	38'6"
90°	9'6"	18'	24'	9'6"	42'

*See figure 18.3.300(F)(3) for ADA space requirements

Important cross-references:

See also, Title 17, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Chapter 18.1, Access and Circulation, Chapter 18.2, Landscaping and Chapter 18.5, Surface Water Management.

18.3.400 BICYCLE PARKING REQUIREMENTS

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 18.3.400, and subsections A-K, below.

A. Minimum Required Bicycle Parking Spaces. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 18.3.400. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 18.3.400 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Categories			
Household Living	Multifamily	1 per unit	None
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review

Table 18.3.400 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

B. Exemptions. The following are exempt from bicycle parking requirements:

1. Single-family and two-family housing (attached, detached, or manufactured housing);
2. Home occupations;
3. Seasonal or temporary businesses;
4. Drive-in movie theatres;
5. Self-storage facilities;
6. Vehicle oriented businesses such as service stations, repair shops, and restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding vehicle retail businesses such as dealers or auto parts stores;
7. Other uses as determined by the Planning Director.

C. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.*, covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

D. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

E. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 18.1, Access and Circulation).

I. Rack Design.

1. Bicycle racks shall be designed to secure the bicycle frame and at least one wheel, and accommodate a locking device;
2. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure;

J. Access.

1. Access to; a public right-of-way, and; pedestrian access from the bicycle parking area to the building entrance, must be provided;
2. Areas set-aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.

K. Number of Spaces.

1. For any expansion of an existing use subject to this section, the number of required bicycle parking spaces shall be determined based on the entire use rather than the incremental increase in floor space;
2. For any change in use, the number of required bicycle parking spaces shall be calculated based upon requirements for the new use as shown in Table 18.3.400.
3. For any change in use or expansion of an existing use subject to this section, if the review authority determines that; compliance with these requirements is not practicable due to existing development patterns, or that application of these standards is not reasonably related to the scale and intensity of the development, the requirements of this section may be waived.

18.3.500 LOADING AREAS

- A. Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- B. Applicability.** Section 18.3.500 does not apply to residential properties nor does it apply in the C-1 district, except when the floor area is greater than 20,000 square feet in size.
- C. Number of Loading Spaces.**
1. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:
 - a. Less than 10,000 square feet total floor area: No loading spaces required.
 - b. 10,000 to 50,000 sq. ft. of total floor area: One loading berth
 - c. More than 50,000 sq. ft. of total floor space: Two loading berths
- D. Size of Spaces.** Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13 feet.
- E. Loading Berth Locations and Visibility.**
1. Truck loading/unloading areas or docks should be located so that they are not visible from the street or from the major public entrance to the building;
 2. No loading berth shall be located closer than 50 feet to a lot in any existing or future city zoned residential districts unless wholly within an enclosed building or unless screened from such lot in a residential district by a wall, fence, or sight-obscuring evergreen hedge not less than 6 feet in height.
- F. Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards in Titles 17 and 18. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (*i.e.*, less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

CHAPTER 18.4 – PUBLIC FACILITIES

SECTIONS:

- 18.4.010 PURPOSE AND APPLICABILITY
- 18.4.100 TRANSPORTATION STANDARDS
- 18.4.150 PEDESTRIAN/BICYCLE/EQUESTRIAN AND PUBLIC ACCESSWAYS
- 18.4.200 BLOCK STANDARDS
- 18.4.250 LOT STANDARDS
- 18.4.300 LIGHTING STANDARDS
- 18.4.330 TREE'S AND ENTRANCES
- 18.4.360 OTHER STANDARDS
- 18.4.400 PARKS
- 18.4.500 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS
- 18.4.550 STORM DRAINAGE IMPROVEMENTS
- 18.4.600 UTILITIES
- 18.4.650 EASEMENTS
- 18.4.700 CONSTRUCTION PLAN APPROVAL PROCESS
- 18.4.750 INSTALLATION

18.4.010 PURPOSE AND APPLICABILITY

- A. Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, equestrian, bus, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.
- B. When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
- C. Engineering Design Criteria, Standard Specifications and Details.** The Molalla Public Works Design Standards shall be part of the City's adopted installation standards. These standards also refer to the Standards for Public Works Construction, Oregon Chapter A.P.W.A. Other standards may be applied by the Public Works Director/City Engineer if deemed appropriate for a development. The design criteria, standard construction specifications and details maintained by the Public Works Director/City Engineer, or any other road authority with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code.

18.4.100 TRANSPORTATION STANDARDS

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.
2. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.
3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority;
4. New streets and drives shall be paved with an all weather surface as approved by the Public Works Director.
5. Through street connections between neighborhoods shall occur unless applicants can demonstrate that they are not feasible.
6. Conditions to be considered during review include:
 - a. Relation to existing and planned streets;
 - b. Topographical conditions and natural resource corridors;
 - c. Public convenience and safety for all modes of travel;
 - d. Existing and identified future transit routes and pedestrian/bicycle accessways;
 - e. Proposed use of land to be served by the streets; and
 - f. The street system shall assure adequate traffic circulation with angles of intersection, grades, tangents and curves appropriate for both the type and volume of traffic to be carried and the terrain upon which that traffic will be carried. Streets shall connect to existing or approved stub streets that abut the development.

B. Improvements. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to the provisions of this code and the specifications and standards on file in the office of the Director of Public Works.

C. Streets Access.

1. Any street or accessway that serves 25 or more dwelling units shall be designed with at least 2 means of access to collector streets. Access to collector streets shall be by permanent dedicated public roadways built to city standards.
2. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Director may require marginal access streets, reverse frontage lots with suitable depth, screen plantings contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

D. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.

1. A private access easement to be established by deed without full compliance with these regulations shall be approved by the Planning Director, provided it is the only reasonable method by which the rear portion of an unusually deep lot, large enough to allow partitioning into 2 parcels may be provided with an accessway.

E. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 18.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code.

F. Streets, Existing. Whenever existing streets adjacent to or within a tract are of inadequate right-of-way shall be provided at the time of subdivision/partition/development.

G. Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and an approved street plan or subdivision plat. Street location, width, and grade 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:

1. Street grades shall be approved by the Public Works Director/City Engineer in accordance with the design standards listed in this chapter; and
2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - a. provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or

- b. conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

H. Streets – Adjacent to Railroad Rights-of-Way. Where a proposed subdivision contains or is adjacent to a railroad right-of-way, the City may require the provision of parallel streets on either side of the right-of-way at a distance from the right-of-way to accommodate the appropriate use of the land in-between the parallel street and the railroad right-of-way. The distance between the parallel street(s) and the railroad right-of-way shall consider the location of cross streets, the minimum distance required for approach grades for future grade separation, and the depth required to allow screen planting along the railroad right-of-way.

I. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 18.4.100. A variance shall be required to vary the standards in Table 18.4.100.

1. Except as otherwise required in this chapter, the street rights-of-way in or along the boundary of a subdivision, partition, or parcel for which a building permit is being requested under this Code shall have up to one-half the following minimum widths, as determined by the Planning Director:
 - a. **Arterial** – Arterials are roadways that are primarily intended to serve traffic entering and leaving the urban area. While arterials may provide access to adjacent land, that function is subordinate to the travel service provided to major traffic movements. Arterials are the longest-distance, highest-volume roadways within the urban growth boundary. Although the streets focus on serving longer distance trips, pedestrian and/or bicycle activities often are also associated with the arterial streetscape.
 - b. **Collector** – Collector streets facilitate the movement of city traffic within the urban growth boundary of the City. Collectors provide some degree of access to adjacent properties, while maintaining circulation and mobility for all users. Major collectors are distinguished by their connectivity and higher traffic volumes, although they are designed to carry lower traffic volumes at slower speeds than arterials. Major collector streets are characterized by two or three-lane facilities. Minor collectors carry lower volumes than major collectors and have two-lane cross-sections.
 - c. **Local streets** – Local streets are primarily intended to provide access between abutting land uses. Local street facilities offer the lowest level of mobility and consequently tend to be short, low-speed facilities. As such, local streets should primarily serve passenger cars, pedestrians, and bicyclists; heavy traffic should be discouraged. On-street parking is common and sidewalks are typically present.

d. **Alleys** – Alleys shall only be allowed in those sections of town where the alley currently exists, the CPA zone, and in situations where they are necessary to serve row house developments. If an alley is approved by the Planning Director and Director of Public Works, both parties shall agree on whether the alley proposed shall be deeded to the City.

2. Where a range of width is indicated, the width shall be the narrower in the range unless unique and specific conditions exist as determined by the decision-making authority based upon the following factors:

- a. Street classification in the Transportation System Plan;
- b. Anticipated traffic generation;
- c. On-street parking needs;
- d. Sidewalk and bikeway requirements based on anticipated level of use;
- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Minimize drainage, slope, and sensitive lands impacts, as identified by Chapter 18.7;
- h. Street tree location, as provided for in Chapter 18.2;
- i. Protection of significant vegetation, as provided for in Chapter 18.2;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- l. Access needs for emergency vehicles; and
- m. Transition between different street widths (i.e., existing streets and new streets).

J. Connectivity. Applicants submitting preliminary development plans shall provide for local streets oriented to, or connecting with; existing or planned streets, existing or planned schools, parks, shopping areas, transit stops provide for the extension of local streets to adjoin major undeveloped properties and for the eventual connection to the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 1000-foot intervals, unless the Planning Director determines that one (1) or more of the following conditions exist:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.
3. Streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of February 1, 2007 which preclude a required street or accessway connection.

K. Dead-end Streets. When it appears necessary to continue a street or public accessway into a future subdivision or adjacent property, streets or public accessways shall be platted to the boundary of the subdivision or partition. The street may be platted without a turnaround unless the Planning Director finds that a turnaround is necessary. In all other cases, cul-de-sacs shall have a turnaround with a property line radius of not less than 45 feet to the property line.

L. Urban Growth Area Streets. Where a subdivision or partition within either the Urban Growth Area or the Urban Reserve area precedes the development of city-planned street improvements, the street improvements and dedications shall meet the requirements of the MDC.

M. Street Standards from the Molalla Transportation Systems Plan. Street standards shall meet those Street Design Standards from Table 13 in the Molalla Transportation Systems Plan

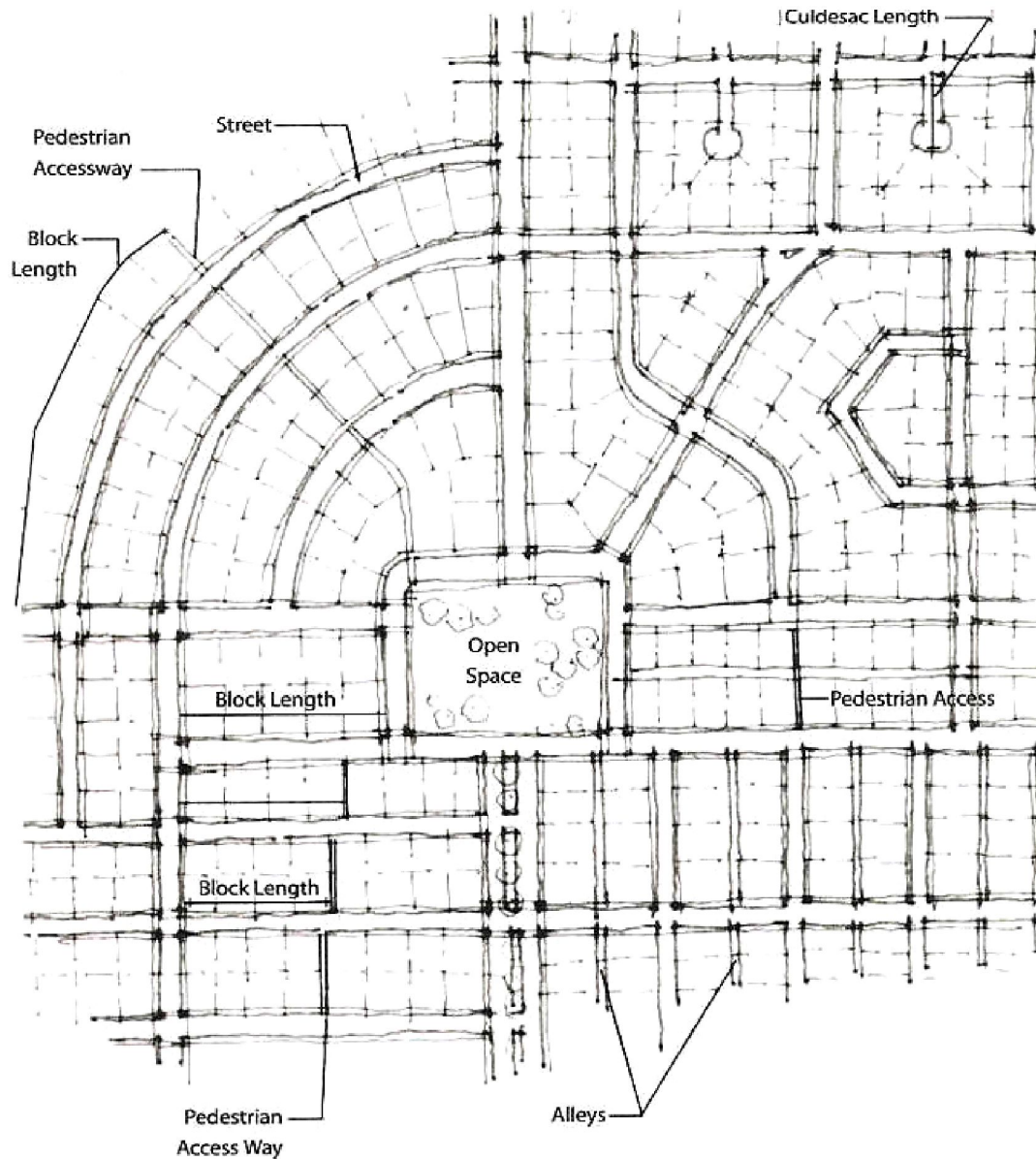
N. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 18.1. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.
3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets.

Appropriate design and traffic control and traffic calming measures, as provided in subsection H, below, are the preferred means of discouraging through traffic.

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than 2 acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between 2 streets or a street and its nearest accessway):
 - a. Residential Districts:
 - 1) Minimum of 100 foot block length;
 - 2) Maximum of 600 foot block length;
 - i. When blocks are created, due to unusual conditions, that exceed 600 feet in length, a pedestrian way with a minimum width of 10 feet shall be provided through the middle of the block when desirable for public convenience. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
 - b. Downtown District:
 - 1) Minimum of 100 foot block length;
 - 2) Maximum of 600 foot length.
 - c. General Commercial Districts:
 - 1) Minimum of 100 foot block length;
 - 2) Maximum of 800 foot length.
 - d. Not applicable to industrial districts.

Figure 18.4.100G - Street Connectivity and Formation of Blocks



5. Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 18.4.100G. The City may also require developers to provide an accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:
 - a. Accessways shall be no less than 10 feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access;

- b. All accessways in the subdivision shall be lit. Accessway illumination shall provide at least 2-foot candles;
- c. A right-of-way or public access easement provided in accordance with subsection b that is less than 20 feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
- d. All accessways shall conform to applicable ADA requirements;
- e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed 4 feet in height;
- f. which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists; and
- g. Subdivisions shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of State law and the standards established by this title.

O. Boundary Street Requirements for Subdivisions.

1. For boundary streets in subdivisions, the Planning Director may require the construction and dedication of half-street improvements. If the Planning Director determines that a required dedication and improvement is insufficient to provide, at minimum, one travel lane in each direction or proper street grade, the Planning Director may require a three-quarter street improvement.
2. Notwithstanding subsection one of this section, properties that have received tentative subdivision approval and in which one or more phases have been built, the Planning Director may require as a condition of partition approval any necessary street improvements and rights-of-way dedication, up to, but not exceeding, the street improvement identified in the subdivision tentative approval. The applicant may request deferral of said improvement until the street improvements are deemed required by City Council. An applicant seeking deferral shall sign an agreement that specifies the terms of the deferral. A deferral agreement shall be in a form approved by the City Attorney and shall be filed in the deed records with Clackamas County. Street improvement deferral shall be noted on the final plat approved by the Planning Director.
3. When an area within a subdivision is set aside for commercial or industrial use, or where probable future conditions warrant, the Planning Director may require dedication and improvement of streets to greater widths as explained throughout this code.

4. Where topographical requirements necessitate either cut or fill for proper grading of streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
5. Deferral – City Required. Where future street improvements are anticipated, the Director of Public Works may require all or a portion of the improvement to be deferred.
6. Deferral Agreement. When a deferral is required, the applicant shall sign a street improvement deferral agreement and pay the fees set by City Council resolution. The agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of Clackamas County, and shall provide that required street improvements be constructed at such time as the City Council directs or at such other time as may be specified.

P. Boundary Street Requirements for Partitions.

1. For boundary streets in partitions, the Planning Director may require dedication of up to one-half of the right-of-way.
2. The Planning Director may require a half-street improvement of no less than 17 feet wide, plus; curb, gutters, sidewalks, bike lanes (where appropriate), piped drainage, street lights, and other signing (where appropriate). The minimum requirement for the opposite side of the centerline is 12 foot wide paved travel lane.
3. The structural section for the portion of the improvement added to the existing pavement shall be as specified for the designation of the streets in the Molalla Transportation Systems Plan.

Q. Flag Lots in a Subdivision. Within subdivisions, the Planning Director may waive or relax any of the lot development standards set forth in the Molalla Municipal Code to not less than the minimums specified in this section for up to 5 percent of the lots in the subdivision, any fraction of a lot of ½ or more counting as a full allowable lot in such computation. Any lesser fraction shall not be counted as allowable lot:

1. Width. As prescribed in this code, not including the accessway;
2. Depth. As prescribed in MDC 17.60.400, not including the accessway;
3. Area. As prescribed in MDC 17.60.400, not including the accessway;
4. Yards and Setbacks. As prescribed in MDC 17.60.200.

5. Accessways. The portion of the lot or easement providing access to a street shall be created and developed to not more or less than the standards shown in MDC 17.60.430 Table 4. Reciprocal and irrevocable access rights for all parcels using the accessway shall be included on the final map and deeds for the individual parcels. The property address shall be posted at the intersection of the accessway and the street as provided in MDC Title 20.

R. Flag Lots in Partitions. Within partitions, the Planning Director may waive or relax lot development standards to not less than the minimum specified in this section:

1. Width. As prescribed in this code, not including the accessway;
2. Depth. The parcel depth shall not be less than 28 feet plus the depth of required yards in the zoning district in which the property is located. The depth of the accessway shall not be included in computing the total yard depth.
3. Area not including the access way. Except that where more than 50 percent by number, of lots of record, any portion of which lie within 300 feet of the proposed flag lot, are of such a size that they cannot be partitioned into smaller lots, the proposed flag lot shall have an area, exclusive of the accessway, of not less than 90 percent of the average lot size of such surrounding irreducible lots, but in no event less than the area prescribed in the first clause of this subsection;
4. Yards and Setbacks. The lot line, exclusive of lot lines defining an accessway, which is nearest the street to which the flag lot has access, shall be deemed the front lot line for purposes of determining required yards and building setbacks.
5. Accessways. The portion of the lot or easement providing access to a street shall be created and developed to not more or less than standards shown in Table ???. Reciprocal and irrevocable access rights for all parcels using the accessway shall be included on the final map and deeds for the individual parcels. The property address shall be posted at the intersection of the accessway and the street as required by Chapter 21.20.

S. Flag Lots, General. Flag lots, capable of serving 3 or more homes, shall not be created unless no other alternative exists. All attempts shall be made to create a street with adjoining properties over time in order to fully develop parcels of land. Adequate turnaround for fire apparatus as required by the Molalla Fire Department shall be made. Flag lots shall be subject to the following standards:

1. The creation of a flag lot shall not conflict with a proposed street extension;
2. Flag lots created on adjoining properties shall have adjoining accessways, but in no case shall more than 2 adjoining accessways be created;

3. The location of flag lot access ways shall be subject to approval by the Planning Director. The Planning Director may disapprove the location of any flag lot accessway which is not consistent with the requirements of the Comprehensive Plan, City ordinances and standards, or which could create a traffic hazard;
4. No more than 8 dwelling units may be located on a flag lot;
5. Accessways shall meet the following requirements:
 - a. Accessways shall be paved with a minimum of 2 inch asphalt surfacing and 4 inches of crushed rock base;
 - b. Accessways shall be contoured to meet the existing ground level;
 - c. The accessway shall be for access to a lot(s) and shall not be included as part of the minimum area required for the lot;
 - d. Accessways shall not be extended more than 150 feet unless written approval for a longer accessway is obtained from the Molalla Fire Department; and
 - e. Pavement width and buffering:
 - 1) Paved areas shall not be less than 16 feet wide;
 - 2) A 2 foot buffer on either side of the paved surface shall exist.
 - a) When an adjoining accessway occurs, the buffer between the 2 accesses shall be paved leaving a 2 foot buffer on each side of the total width of the paved flag lot.
6. The Planning Director may require other necessary conditions to carry out the intent of this title and the Comprehensive Plan.

18.4.100 MINIMUM ACCESS WAY AND IMPROVEMENT WIDTHS

Number of Lots or Units:	Minimum Accessway Width	Minimum Improvement Width
1 flag lot, with an access way serving 1 or 2 dwelling units:	20 feet	16 feet
1 flag lot, with an access way serving 3 – 8 dwelling units:	24 feet	20 feet
2 flag lots with adjoining access ways, each serving 1 dwelling unit:	20 feet	16 feet
2 flag lots with adjoining access ways, each serving a total of 2 – 8 dwelling units:	24 feet	20 feet

T. Traffic Signals and Traffic Calming Features.

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority’s requirements. The developer’s cost and the timing of improvements shall be included as a condition of development approval.
2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the Public Works Director/City Engineer and applicable road authority.
3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
4. Roadway canalization (left or right turn lanes) shall be required when such canalization meets warrants as prescribed by ODOT and/or the Molalla Transportation Systems Plan.

U. Future Street Plan and Extension of Streets.

1. 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 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 land division. The street plan is not binding; rather it is intended to

show potential future street extensions with future development

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 18.4.
3. The resulting dead-end may be approved without a turnaround, if such extension is less than 250 feet in length.
4. Reserve strips and street plugs may be required to preserve the objectives of street extensions. No building permit shall be issued at the end of any street without prior approval from the Planning Director.

V. Street Alignment, Radii, and Connections.

1. Street Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines. Staggered street alignment which results in “T” intersections shall leave a minimum distance of 200 feet between the centerlines (300 feet for major collectors and arterials) of streets having approximately the same direction.
2. Street Spacing. The following details the spacing standards for streets when proposed near the distance specific below for another street.
 - a. Local Streets – 150 feet from centerline to centerline
 - b. Neighborhood Collector – 300 feet from centerline to centerline
 - c. Major Collector/Arterial¹ – 600 feet from centerline to centerline

¹ ODOT facilities supercede these values on ODOT facilities

- d. Molalla Forest Road – 800 feet from centerline to centerline
3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
 4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.
 5. Corner curb radii shall be at least 20 feet, except where smaller radii are approved by the Public Works Director/City Engineer.

W. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 18.4.100, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

X. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

Y. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Chapter 18.4.

Z. Streets – Half Streets. While generally not acceptable, half-streets may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when it is practical to require dedication of the opposing half-street during subdivision of the adjoining property. Whenever a half-street is adjacent to a tract to be subdivided, the opposing half-street shall be platted within such tract. Reserve strips and street plugs may be required to maintain the objectives of half-streets.

AA. Cul-de-sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. A cul-de-sac shall not exceed a length of 800 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
 - a. Approval of cul-de-sacs with a length greater than 400 feet shall be approved by the Molalla Fire Department.
2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 50 feet. Turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus land of 20 feet in width;
3. Parking in the cul-de-sac is prohibited unless otherwise approved by the hearing body;
4. The Planning Director or hearing body may require a temporary cul-de-sac if a future street connection is projected to continue to an adjacent property;
5. A temporary cul-de-sac or turnaround shall be constructed in any new subdivision in which the cul-de-sac is over 250 feet in length and extends to the property line. The construction standards for the area outside the projected curb line are:
 - a. The sub-grade roadbed shall be graded and compacted;
 - b. Two inches of asphalt or concrete shall be installed over the compacted sub grade;
 - c. An asphalt or concrete roll curb shall be provided around the perimeter of the turnaround;
 - d. The cost of future curb extensions and removal of the temporary turnaround shall be required of the developer in accordance with the following procedure:

- 1) The Planning Director shall calculate the cost for removal of a temporary turnaround and curb extension.
 - 2) The developer shall deposit the cost of construction with the City Treasure prior to final plat approval from the Planning Director.
6. The developer shall be responsible for the removal of the turnaround and the placement of the curb at the time the street is to be extended into the adjacent property.
 7. The temporary turnaround shall be indicated on the final plat as an easement to be vacated outside the dedicated right-of-way when the street is extended into the adjacent property.
 8. Building setbacks for the area abutting a temporary turnaround shall be computed from the projected extension of the street right-of-way.

AB. Streets, Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights in which case they may be required. The control and disposal of land containing reserve strips shall be placed within the jurisdiction of the City under conditions approved by the City Council.

AC. Improvements. All street improvements, including sub base, pavement, curbs, sidewalks, and surface drainage shall conform to the provisions of this code and the specifications and standards on file in the office of the Public Works Director.

AD. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

AE. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 18.1, Access and Circulation.

- AF. Streets Adjacent to Railroad Right-of-Way.** Where a proposed subdivision contains or is adjacent to a railroad right-of-way, the City may require the provision of parallel streets on either side of the right-of-way at a distance from the right-of-way. The distance between the parallel street(s) and the railroad right-of-way shall consider the location of cross streets, the minimum distance required for approach grades for future grade separation, and the depth required to allow screen planting along the railroad right-of-way.
- AG. Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Chapter 18.1.200.) The development design shall include one or more of the following:
1. A parallel access street (frontage road) along the arterial with a landscape median (raised curbs) of not less than 10 feet in width separating the two streets;
 2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate buffering with frontage along another street;
 3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than 10 feet in width at the rear or side property line along the arterial; or
 4. Other treatment approved by the City that is consistent with the purpose of this Section;
- AH. Alleys, Public or Private.** Alleys shall conform to the standards in Table 18.4.100. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet. Alleys shall be encouraged in the CPA district and for Rowhouse/Townhome developments. Alleys shall be re-established where city owned right-of-way exists. Such alleys shall have ingress and egress from 2 separate points on all alley way sections. Alleys that exist today and are under the required width shall dedicate half street property equal to the needed improved section to complete the minimum alley requirements.
- AI. Private Streets.** Private streets are prohibited unless otherwise approved by the City Council;
- AJ. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Clackamas County. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
1. Street names shall not be offensive in nature;
 2. Street names shall be as concise as possible.

AK. Street Signs. Prior to final acceptance of the street construction by the City or when a building permit is issued for the construction of any building in a subdivision or partition, the developer shall install street signs for all paved blocks of street within the subdivision or partition. The signs shall meet the standards as set forth by the Public Works Director/Engineer. All elements of such installations shall be at the developer's expense.

AL. Streets.

1. Before issuance of a preliminary plat approval, the subdivision or partition must comply with the following:
 - a. The development within a subdivision shall have frontage on a public street.
 - b. The development will not generate traffic at volumes beyond the design capacity of the street. Pavement width and signalization are other factors that will be taken into consideration when determining level of service calculations.
 - c. The development will not create dangerous or hazardous traffic conditions.
2. All streets, including alleys within a subdivision, streets abutting or only partially within a subdivision, and the extension of subdivision streets to the intercepting paving line of existing streets within which subdivision streets intersect, shall be improved to the following minimum standards:
 - a. The roadway shall be improved in accordance with the standards adopted by the City for acceptance and for maintenance of the street.
 - b. The entire right-of-way shall be brought to proper grade, and paved per City standards.
 - c. Concrete curbs shall be constructed along all street frontages and shall be designed and located as established in standards adopted by the Public Works Director.
 - d. Other street improvements installed at the developer's discretion, such as street trees, shall be in accordance with City standards.

18.4.150 PEDESTRIAN/BICYCLE/EQUESTRIAN AND PUBLIC ACCESSWAYS

A. Pedestrian/Bicycle/Equestrian Accessways.

1. Pedestrian/bicycle accessways are intended to provide safe and convenient connections within and from new subdivisions to adjacent and nearby residential areas, transit stops and neighborhood activity centers where public street connections are unavailable. Pedestrian/bicycle accessways should only be used in areas where public street options are unavailable, impracticable or inappropriate.

2. Pedestrian/bicycle/equestrian accessways shall be provided in the following situations:
 - a. In areas where full street connections are not possible, bicycle and pedestrian connections on public easements or rights-of-way should attempt to provide spacing of no more than 400 feet between connections except where barriers such as topography, railroads, highways, or pre-existing development exists.
 - b. Accessways are required between discontinuous street rights-of-way, through mid-block locations where blocks are longer than 1000 feet, or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
 - c. Accessways shall be included as follows in all residential districts:
 - 1) To provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities;
 - 2) Where practicable, to provide reasonably direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided, partitioned, or otherwise developed in the future;
 - 3) To provide reasonably direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;
 - 4) To provide reasonably direct connections from cul-de-sacs or local streets to arterial or collector streets;
 - 5) To provide reasonably direct connections from designated/or proposed paths to streets within the subdivision.
3. Development standards.
 - a. Entry points shall align wherever practicable with pedestrian crossing points along adjacent streets and with adjacent street intersections.
 - b. Access ways shall be free of horizontal obstructions and have a 9 foot, 6 inch high vertical clearance. To safely accommodate both pedestrians and bicycles, accessway rights-of-way widths shall be as follows:
 - 1) Accessways shall provide a minimum 15 feet wide right-of-way with a minimum 10 foot wide paved surface.
 - 2) If an accessway provides secondary fire access or a public utility corridor, the right-of-way shall be at least 20 feet wide with a 15 foot wide paved surface.

- c. Accessways shall be lit to enhance pedestrian and bicycle safety. Accessway lighting shall be provided by the developer to standards established by the City Engineer and shall maintain consistency with the City’s Dark Skies Ordinance in MDC chapter 21.80 Lighting shall be provided at both entrances and may also be required at intermediate points along the accessway, as appropriate for safety, as determined by the City Engineer.
 - d. Accessways shall be fenced and screened along adjacent property by:
 - 1) A thick vegetation screen at least 42 inches high.
 - 2) A minimum 5 foot high fence with a row of 3 to 4 foot high evergreen shrubs or climbers planted along the fence. The fence shall be constructed with pressure treated structural members including a pressure treated cap.
 - 3) An evergreen vegetative screen must be erected if there is an existing fence on private property adjacent to the accessway. This vegetative screen shall be 4 feet high.
 - 4) In satisfying the requirements of this section, evergreen plant materials that grow over four (4) feet in height shall be avoided. All plant materials shall be of a low maintenance variety and shall be reviewed and approved by the Planning Director.
 - e. Accessways shall be designed to prohibit motorized traffic, except motorized wheelchairs for disabled pedestrians. Curbs, removable lockable posts and bollards are suggested mechanisms to achieve.
 - f. Accessway surfaces shall be paved with all weather hard-surfaced materials and designed to drain stormwater runoff to the side or sides of the accessway. Paving, storm drainage, shoulder treatment, and landscaping for accessways shall be as approved by the Director of Public Works and Planning Director.
4. Exceptions may be made where the Planning Director determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such restraints may include but are not limited to:
- a. Other federal, state or local requirements prevent construction of an accessway.
 - b. Situations where steep slopes, wetlands, bodies of water, freeways, railroads, or other physical or topographic conditions make accessway connections impracticable.
 - c. Situations where buildings or other adjacent existing development physically precludes a connection now or in the future.
 - d. Situations where the accessway terminates at the urban growth boundary.

5. Ownership, liability and maintenance of accessways. To avoid non-maintenance of pedestrian/bicycle/equestrian accessways over time, the Planning Director shall require one of the following:
 - a. That accessways be dedicated to the public as public rights-of-way prior to the final approval of the development.
 - b. That the developer incorporates the accessway into a recorded easement or tract which specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

B. Public Accessways.

1. When necessary for public convenience or safety, the Planning Director may require the developer to improve and dedicate public accessways that connect to cul-de-sacs, pass through oddly shaped or unusually long blocks, and/or provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, or other community services.
2. The accessway shall be designed and located to best accommodate public use and shall be constructed in accordance with the specifications and standards of the Director of Public Works. In addition, dedications may also accommodate utility easements and facilities.

18.4.200 BLOCK STANDARDS

A. Blocks.

1. Blocks, Generally. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of limitations and opportunities of topography.
2. Blocks, Sizes. Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets unless the previous adjacent layout or topographical conditions justify a variation.
3. Blocks, Easements for Utility Lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 10 feet in width and centered on interior property lines except for guy wire tie-back easements, which shall be 6 feet wide by 20 feet long along property lines at change of direction points of easements.

4. Blocks, Easement for Watercourses. Where a subdivision or partition is intersected by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the watercourse, and such further widths as will be adequate for this purpose. Streets or parkways parallel to major watercourses may be required.

18.4.250 LOT STANDARDS

A. Lot Standards.

1. Designated Frontage
 - a. For corner lots the front lot line shall be that with the narrowest street frontage.
 - b. For double frontage lots the front lot line shall be that having frontage on a street designated by the applicant, approved by the Planning Director and clearly noted on the final plat.
 - c. For flag lots the line separating the building site of the lot from the lot between it and the street from which access is provided to the flag lot shall be deemed the front lot line for building setback purposes unless the Planning Director otherwise directs, in which case the building setback line so designated shall be clearly noted on the final plat.
2. Side Lot Lines. As far as practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.
3. Rear Lot Line. In the case of a triangular shaped lot, diamond shaped lot, or a trapezoidal lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than 10 feet, the rear line for building setback purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of lots to which this provision applies, or others where the rear of the lot is narrower than 10 feet, the Planning Director shall require that the rear lot line be clearly noted on the final plat.
4. Curved Front Lines. When front lines are on a curve or are, the front line distance shall be indicated on the final plat or map by bearing and chord distance.
5. Suitability for Intended Use. All lots and parcels shall be suitable for the general purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition of such lot.

6. Building Setback Lines. Where; topography, vegetation, or lot configuration dictate a different building envelope than that set by the Molalla Zoning Code and in order to properly develop the lot or parcel and site a building thereon, where accessways without street frontage are allowed, or where needed rights-of-way exceed that required to be dedicated, the Planning Director may require building setback lines to be shown on the plat or map without regard to the minimum setbacks specified in the Molalla Zoning Code. Such setback lines shall be observed to the same extent as if required in the Molalla Zoning Code. If special building setback lines are to be established in the subdivision they shall be shown on the subdivision plan and included in the deed restrictions.
7. Lots, Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision or partition and for the type of development and use contemplated, and shall meet the following conditions:
 - a. The minimum dimension of a lot or parcel shall conform to that required in the subject zoning district.
 - b. The square footage of a lot or parcel shall not be less than that allowed in the subject zoning district, with the following exceptions:
 - 1) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Director. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street service and parking facilities required by the type of use and development contemplated.
 - 2) Lots and parcels that face the circular end of a cul-de-sac shall have a minimum street frontage of 40 feet with the exception of a flag lot.
8. Lots, Access
 - a. Every lot or parcel shall abut upon a public street.
 - b. The city may require the establishment of reciprocal cross-over easements on existing lots at the time of development in cases where the lot frontage on arterial roadways does not meet the minimum City or ODOT access management spacing standard.
 - c. Newly created lots on arterial roadways must be designed to access local or collector streets, rather than arterial roads, where feasible. All lots located along Highway 211 and Highway 213 that take access onto the Highway shall be required to provide cross-over easements to allow for reduced access points along the highway. Such cross-over requirements shall include each adjacent property where access could be gained to the highway.

9. Lots, Accessways

- a. All lots serviced by an accessway shall provide a continuous traffic flow pattern as approved by the Planning Director.
- b. Single-family lots containing a single-family residence are exempt from this requirement.
- c. No parking shall be allowed within an accessway.

10. Lots, Through. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, through which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other non-complementary use. Through lots with planting screens shall have a minimum average depth of 110 feet. The City may impose conditions regarding maintenance of the planting screen. This section shall not apply to through lots created for the purpose of condominium or row house developments.

11. Lots, Side Lines. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

18.4.300 LIGHTING STANDARDS

Street Light Standards. All subdivisions shall include underground electric service for street light standards, wiring, and lamps according to the specifications and standards of the Director of Public Works/Engineer. The applicant shall install such facilities and make necessary arrangements with the servicing electric utility for a City owned and operated street lighting system that can be provided at the lowest possible rate available to the City. Upon the City's acceptance of subdivision improvements, the street lighting system, exclusive of utility-owned service lines, shall become the property of the City of Molalla. In some situations, the City may require the homeowners association to take responsibility for street lighting.

18.4.330 TREE'S AND ENTRANCES**A. Trees.**

1. All developments shall be designed in such a manner as to preserve as many trees as possible with particular attention paid to preservation during construction.
 - a. Each lot shall contain a minimum of one tree which is at least 8 feet tall at the time of planting.

- 1) Trees which are required to meet this land use approval shall be maintained as represented by the approved plans and/or subsequent plans which amend the original application. Replanting shall be required as a result of dead and/or removal of any tree.
 - b. A credit of 2 trees as outlined in (A) above will be given for each existing tree that is preserved.
- B. Entrances.** Subdivisions with 25 or more lots shall have at least one clearly defined entrance which shall conform to the following:
1. There shall be an improved area of at least 500 square feet on either side of the roadway providing entrance to the subdivision.
 2. Entrances shall be landscaped and maintained and designed with due regard to corner vision and site distance requirements.
 3. Entrances shall have an illuminated stone or brick structure with the name of the development of at least 6 inch lettering.
 4. The design of the entrance shall be consistent with the character of the surrounding area.

18.4.360 OTHER STANDARDS

- A. 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 shall be reestablished and protected.
- B. Mail Boxes.** Plans for mail boxes shall be approved by the United States Postal Service and the Public Works Director. Mailboxes may not be placed within ODOT right-of-way.
- C. Cut and Fill Slopes.** The fill slope shall begin no closer than 2 feet to the edge of the curb. Cut and fill slopes shall not exceed a ratio of 2 horizontal to one vertical. The Public Works Director may approve slopes not to exceed a one to one ratio upon certification by a qualified engineer or geologist stating that the slope will remain stable under all foreseeable conditions.
- D. Large Lot Subdivision.** In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Director may require that the blocks shall be of a size and shape that can be divided into lots and contain building side restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

- E. Guarantee.** All improvements installed by the developer shall be guaranteed as to workmanship and material for a period of 2 years following acceptance by the City. The developer shall provide the City with a guarantee bond for 10% of the total costs of improvements in the development

18.4.400 PARKS

A. New development shall be required to provide space for parks in the ratio of 1.25 acres to every 100 estimated residents. For purposes of this calculation each dwelling contains 2.84 individuals.

1. Parks shall be required as designated in the Molalla Parks and Recreation Master Plan.

a. The builder shall provide required park space in locations required by the hearings body. The hearings body shall choose park locations that match up with existing or future park areas where possible. When extra land is available outside of the minimum lot requirements such land shall be made available for the City to purchase first if it would meet the park requirements of the Parks and Recreation Master Plan.

b. When an adjacent property has developed or could develop where a park is required, park dedication will be required on property abutting the proposed area regardless of the development size.

c. Where a path, designated by the Molalla Parks and Recreation Master Plan, is shown to go through a parcel and does not lie in a wetland then park space requirements shall be reduced by the amount of trail provided.

1) Where park space is used up entirely on a path area and no more park space is required for that parcel then the dedication of the remainder of the path space shall be dedicated to the City.

2. Fee in Lieu of Parks

a. The hearings body may require a fee in lieu of a park for the entire amount or a portion not provided in a development of required park space when no park space is identified to be required (per the Parks and Recreation Master Plan). If no park space is indicated in the Parks and Recreation Master Plan, the hearings body, shall determine whether park space or a fee in lieu of is required for a particular development.

b. Such fee shall be paid for any undeveloped portion of required park spaced dedication.

c. Such fee shall be set by City Council resolution.

d. The fee in lieu of shall be paid as follows:

1) 1/3rd of the park fee is to be paid prior to signing off on the final plat.

2) The remainder of the park fee is to be paid at time of building permit issuance.

- e. The hearings body may choose to require work in lieu of payment at another park space with approval from the City Council. The work in lieu of shall be based on the cost of the park in lieu of fee.
- B. If improvements to a pre-existing park within the area identified for park improvements in the Parks and Recreation Master Plan for the development then such improvements shall be required in lieu of a in lieu of fee or park dedication.
- C. Wetland and other open space shall only count for 20 percent of the park needs as calculated in 1 above.
- D. Gazebos shall be placed in parks where feasible. Electricity shall be supplied where feasible.

18.4.500 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS

- A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City’s Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the Public Works Director/City Engineer.
- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the Public Works Director/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, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.
- D. Inadequate Facilities.** Development permits may be restricted by the City 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.

18.4.550 STORM DRAINAGE IMPROVEMENTS

- A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with the Public Works Design Standards and other documents held with the Public Works Department.
- 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 Public Works Director/City Engineer.
- C. Effect on Downstream Drainage.** Where it is anticipated by the Public Works Director/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, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit or establish a “payback” agreement toward any required system development charge for the same.
- E. Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided 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.

18.4.600 UTILITIES

A. Underground Utilities.

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.
2. Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Vision clearance areas shall not be obstructed (Chapter 18.1);
 - b. The City reserves the right to approve the location of all surface-mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 18.7), or existing development conditions. However, all attempts shall be made to underground first.

18.4.650 EASEMENTS

- A. **Provision.** The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the Public Works Director/City Engineer.
- B. **Recordation.** As determined by the Public Works Director/City Engineer, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 19.2, Site Design Review, and Chapter 19.3, Land Divisions.
- C. **Public Easements for a Subdivision and Partition.** The Planning Director may require public easements for the construction and maintenance of all utilities and public facilities dedicated along lot or parcel lines. Easements must be of sufficient width to provide and maintain adequate utility service to each lot or parcel. Typically this width shall be a minimum of 10 feet unless otherwise required by the Planning Director or the Public Works Director. Where possible, easements shall be centered on or bordering a lot or parcel line. In the case of zero lot line development, the Planning Director may require easements along each side of the lot line.
1. **Water Supply** - All lots and parcel shall be served by the public water system of the City of Molalla unless approved to remain on septic systems and wells by the Public Works Director. Any common water system serving more than one lot or parcel shall be provided by the applicant and dedicated to the City. Such water supply systems shall be designed and constructed according to the provisions of this Code as well as to the standards and specifications required of the Public Works Director.
 2. **Sewage Disposal** - Each lot or parcel shall be served by its own sanitary sewer service line and constructed in accordance with the design standards of this Code and the specifications maintained by the Director of Public Works for these facilities. Upon completion of installation, the City will require dedication of all sewage disposal facilities.
 3. **Storm Drainage** – Adequate storm drainage shall be provided to each lot or parcel and connected to the City’s storm drainage system where storm drainage facilities exist at the lot or parcel line. Where a public street is to be dedicated or improved by the applicant as a condition of tentative plan approval, the applicant shall also install and dedicate to the City, a storm drainage system in said street. Storm drainage facilities shall include suitable on-site detention facilities as required by the Director of Public Works. These facilities shall be of a size sufficient to safely transport the anticipated volume of water generated both onsite and upstream, through the subdivision or partition as approved by the Director of Public Works. Storm drainage shall be provided in accordance with all applicable provisions of this Code and the standards and specifications on file in the office of the Director of Public Works. Easements shall be dedicated as determined by the Director of Public Works.

- D. **Sidewalk, bike path, easements, turnarounds and public utility requirements.** All streets shall be improved with sidewalks, public utility easements, turnarounds, construction strips, landscape strips and parking lanes as specified in chapter 18.
- E. **Easements.** Slope easements shall be provided on both sides of the right-of-way. Where necessary, the Planning Director may require additional width for slope easements.

18.4.700 CONSTRUCTION PLAN APPROVAL AND ASSURANCES

- A. Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.
- B. Performance Guarantee.** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 19.2, Site Design Review, and Section 19.3, Land Divisions.

18.4.750 INSTALLATION

- A. Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own 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 Public Works Design Standards which follow the Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the Public Works Director/City Engineer.
- C. Commencement.** Work shall not begin until the City has been notified in advance in writing.
- D. Resumption.** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under Chapter 19.6, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans.** A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 set(s) of "as-built" plans, in conformance with the Public Works Director/City Engineer's specifications, for permanent filing with the City.

CHAPTER 18.5 – SURFACE WATER MANAGEMENT

SECTIONS:

18.5.010 POLICY

18.5.020 GENERAL DISCHARGE PROHIBITIONS

18.5.030 CITY RESPONSIBILITY

18.5.040 PRIVATE RESPONSIBILITIES

18.5.010 POLICY

- A. Pursuant to the general laws of the State of Oregon and the powers granted in the charter of the city, the council does hereby declare its intention to acquire, own, construct, reconstruct, equip, operate, regulate and maintain within the city limits of the city, and outside the city limits when consistent with the council's adopted policies or intergovernmental agreements, a storm drainage system, when authorized by law, to require persons responsible to construct, reconstruct, maintain and extend the storm drainage system.
- B. The improvement of both public and private storm drainage facilities through or adjacent to a new development shall be provided by the person responsible for the development. Said improvements shall comply with all applicable city ordinances, policies and standards.
- C. No portion or statement herein or subsequent interpretations or policies shall relieve any property owner of assessments levied against real property for a local improvement project or for abating conditions on the property that violate any provision of this code.

18.5.020 GENERAL DISCHARGE PROHIBITIONS

- A. It is unlawful to discharge or cause to be discharged directly or indirectly into the City storm sewer system and/or a surface water body, any of the following:
 - 1. Any discharge having a visible sheen;
 - 2. Any discharge having a pH of less than 6.0 Standard Units (S.U.) or greater than 9.0 (S.U.);
 - 3. Any discharge that contains toxic chemicals in toxic concentrations;
 - 4. Any discharge that contains visible floating solids;
 - 5. Any discharge which causes or may cause damage to the City's storm sewer system;
 - 6. Any discharge which causes interference in the City's storm sewer system;

7. Any discharge which causes or may cause a nuisance or hazard to the City's system, City personnel or the receiving waters.

18.5.030 CITY RESPONSIBILITIES

The City shall manage public storm drainage facilities located on city owned property, city right of way, and city easements through the Environmental Services Utility. Public storm drainage facilities that may be managed by the city include but are not limited to:

- A. An open drainageway serving a drainage basin within the city;
- B. A piped drainage system and its related appurtenance which have been designed and constructed expressly for use by the general public and accepted by the city;
- C. Roadside drainage ditches along unimproved city streets;
- D. Flood control facilities (levees, dikes, overflow channels, detention systems, retention systems, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the city.

18.5.040 PRIVATE RESPONSIBILITIES

- A. Storm drainage facilities to be managed by the person responsible include but are not limited to:
 1. A storm drainage facility not located on city owned property, city right of way, or city easement;
 2. A private parking lot storm drain;
 3. Any roof, footing, or area drain;
 4. A storm drainage facility not designed and constructed for use by the general public;
 5. An open drainageway;
 6. Access drive culverts in the public right of way or on private property;
 7. A detention, retention or treatment system, in the construction of which the city did not financially participate.

- B. Any person responsible shall keep open drainage ways on property which they possess or control cleared of debris and vegetation as required by the Molalla Municipal Code.
- C. Any person responsible shall maintain non public storm drainage facilities on property which they possess or control so as to prevent flooding or damage to other property not possessed or controlled by the person responsible and to prevent injury to any person or property not owned or controlled by the person responsible.
 - 1. The City may require a maintenance agreement to be established for any new and/or existing storm drainage facility as determined necessary by the City Engineer.
 - a. The maintenance agreement shall be recorded by the City in the Deed Records of Clackamas County, Oregon.
- D. Any person responsible shall not alter a detention, retention or treatment system from its original properly functioning condition or intended design, without prior approval of the City Engineer.
- E. The failure of any person responsible to comply with the obligations stated in this code is a violation.
- F. The conditions on private property which may result in situations proscribed in this code are declared to be a danger to public health and safety and therefore are a nuisance to be abated as provided in the Molalla Municipal Code.

CHAPTER 18.6 – OTHER STANDARDS

SECTIONS:

18.6.100 TELECOMMUNICATION FACILITIES

18.6.100 TELECOMMUNICATION FACILITIES**SECTIONS:**

- 18.6.110 PURPOSE**
- 18.6.120 DEVELOPMENT STANDARDS**
- 18.6.130 EXEMPTIONS**
- 18.6.140 TEMPORARY FACILITIES**
- 18.6.150 REMOVAL FOR DISCONTINUANCE OF SERVICE**
- 18.6.160 FEES**

18.6.110 PURPOSE

Telecommunication facilities are to:

- A. Protect the health and safety of citizens from adverse affects from radio frequency emissions;
- B. Preserve the quality of living in residential areas which are in close proximity to telecommunications facilities and systems;
- C. Preserve the opportunity for continued growth and service from the telecommunications industry.

18.6.120 DEVELOPMENT STANDARDS

In addition to the requirements of Chapter 19.2 (Land Use Review and Site Design Review) the following development standards apply to telecommunication facilities:

- A. Support. Support towers shall be self supporting;
- B. Height Limitation. Support Tower and antenna heights shall not exceed the maximum heights provided below.
 - 1. If the property is zoned M1 or M2, and no adjacent parcel is zoned residential, the maximum height of a support tower, including antennas, is 120 feet.
 - 2. If the property is zoned M1 or M2, and an adjacent parcel is zoned residential, the maximum height of a support tower, including antennas, is 100 feet.
 - 3. For all other zoning districts, the maximum height of a support tower, including antennas, is 75feet.
- C. Co-location. New support towers shall be designed to accommodate co-location of additional providers.

1. New support towers of a height greater than 75feet shall be designed to accommodate co-location of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between 60feet and 75feet shall be designed to accommodate co-location of a minimum of one additional provider either outright or through future modification of the tower.
 3. 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.
- D. 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.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned C1, C2, M1, or M2, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15feet in height at the peak;
 - a. In all other zoning districts, the auxiliary support equipment shall be:
 - 1) Located in an underground vault to the maximum extent practicable;
 - 2) The applicant shall demonstrate why locating the auxiliary support equipment underground would limit the applicant's ability to fully utilized camouflage technology that might better suit the particular situation; in which case the standards of subsection (1) above shall apply.
 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
1. If the property is zoned:
 - a. M1 or M2, 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. For all cases other than those identified in subsection (a.) above 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 6feet 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.

G. 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:

- 1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB.
- 2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential property line.

H. Lighting.

- 1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of telecommunication towers and antennas shall be prohibited;
- 2. 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 minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of .5 foot candles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. 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.

J. 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.

K. Access Drives.

- 1. 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.
- 2. Sites shall be serviced by an access adequate to ensure fire protection of the site.

3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (through the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encourage) and designed with materials to be as pervious as practicable to minimize storm water runoff.
 4. New access drives shall be reviewed for adequate intersection sight distances.
- L. 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.
- M. Informing the City. All service providers with facilities within the city shall be required to report in writing to the Planning Director any changes in the status of their operation.
1. An annual written statement shall be filed with the Planning Director 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 form 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 6 months or longer.

18.6.130 EXEMPTIONS

The following are exempt from the requirements of this chapter:

- A. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police and emergency aid or ambulance service.
- B. 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.
- C. Telecommunications that were legally established prior to August 2002.

- D. Any maintenance or repair of previously approved telecommunication facilities provided that such activity does not increase the height, width, or mass of the facility.
- E. Dish antennas used for residential purposes.
- F. VHF and UHF receive-only television antennas provided they are 15feet or less above the existing or proposed roof.
- G. Amateur radio operator antennas located on a licensed amateur radio operator’s property.

18.6.140 TEMPORARY FACILITIES

- A. In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to the completion of construction of a new Telecommunication facility, temporary telecommunications facilities shall be allowed for no longer than sixty (60) days. Temporary telecommunication facilities shall not have a permanent foundation, and shall be removed within 30days of suspension of the service they provide.
 - 1. The Planning Director’s discretion shall be based solely on the reasoning of this chapter, weight will be given to discontinuation of abated telecommunications facilities.

18.6.150 REMOVAL FOR DISCONTINUANCE OF SERVICE

Any telecommunications facility that has not provided service for 6months, may at the Planning Directors discretion, be deemed a nuisance and shall be subject to removal under the nuisance abatement provisions of this Code.

18.6.160 FEES

Notwithstanding any other provisions of this code, the Planning Director 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.

[18.6.300 Reserved]

CHAPTER 18.7 – SENSITIVE LANDS

SECTIONS:

18.7.100 WATER RESOURCES OVERLAY DISTRICT

18.7.200 HISTORIC SITES

18.7.100 WATER RESOURCES OVERLAY DISTRICT

SECTIONS:

- 18.7.110 PURPOSE**
- 18.7.120 BOUNDARIES AND SETBACKS**
- 18.7.130 DEPARTMENT OF STATE LANDS NOTIFICATION**
- 18.7.140 SITE PLAN REQUIRED**
- 18.7.150 MODIFICATIONS OF BOUNDARIES**
- 18.7.160 PERMITTED USES**
- 18.7.170 DEVELOPMENT REGULATIONS**

18.7.110 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:

- A. 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;
- B. Protecting and enhancing water quality;
- C. Preventing property damage during floods and storms;
- D. Limiting development activity in designated riparian corridors;
- E. Protecting native plant species;
- F. Maintaining and enhancing fish and wildlife habitats; and
- G. Conserve associated scenic and recreational values.

18.7.120 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:

- A. Locally significant wetlands identified on the Molalla Local Wetlands Inventory or the Natural Features Inventory;
- B. 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;
 - 1. 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;
 - 2. The riparian buffer for isolated wetlands shall extend 25 feet from the edge of the wetland.
- C. The 100-year floodplain on properties identified as vacant or partly vacant on the 2007 Molalla Buildable Lands Inventory.

18.7.130 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.

18.7.140 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 shows the precise location of:

- A. Topography;
- B. The stream top-of-bank;
- C. The 100-year flood elevation;
- D. The delineated wetland boundary with documentation of concurrence by the Oregon Division of State Lands;
- E. The required riparian setback;
- F. Existing vegetative cover and type; and
- G. Existing and proposed site improvements.

18.7.150 MODIFICATION OF BOUNDARIES

The boundaries of the WR Overlay District may be modified under the following circumstances:

- A. The approval authority may modify the boundary of a significant stream corridor or wetland, and by extension the required riparian setback – based on:
 - 1. A wetland delineation prepared by a professional wetland scientist;
 - 2. Written concurrence by the Department of State Lands; and
 - 3. A site survey, prepared by a registered land surveyor, showing the precise location of the stream top-of-bank or delineated wetland edge.
- B. 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.

- C. 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:
1. 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.
 2. The wetland can be altered without substantial adverse impact on the natural character of the area and function of the wetland.
 3. The wetland does not support rare or endangered species of fish, wildlife, or vegetation.
 4. Elimination, alteration, or relocation does not significantly alter water movement, including normal levels or rates of runoff into and from wetlands.
 5. The benefit to the public from the proposed use clearly outweighs the public good from retaining the wetland area.
 6. Disturbance of the wetland will not require any public costs, including maintenance due to secondary impacts.
 7. 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.
- D. 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:
1. The average stream corridor setback for the subject property shall remain at 50 feet.
 2. 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.
 3. 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.
 4. The plan shall ensure removal of invasive plant species and replacement with suitable native plant species within one year of project approval.
 5. The plan shall include provisions for monitoring and replacement of native plants.
 6. A riparian conservation easement shall be required for the protected stream corridor.

18.7.160 PERMITTED USES

The following uses are permitted within the WR Overlay District:

- A. Trails.
- B. Passive recreation uses and activities.
- C. Maintenance of existing structures, lawns and gardens.
- D. Normal maintenance and expansion of existing public facilities.
- E. Construction of public facilities projects identified in adopted public facilities master plans.
- F. Construction of transportation facilities identified in the adopted Transportation System Plan.

18.7.170 DEVELOPMENT REGULATIONS

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

- A. Removal of native vegetation. The removal of vegetation from the WR Overlay District is prohibited except for the following:
 - 1. Perimeter mowing of a wetland for fire protection purposes;
 - 2. Removal of non-native vegetation and replacement with native plant species;
 - 3. For the development of water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
 - 4. Removal of emergent in-channel vegetation that has the potential to cause flooding;
 - 5. Hazardous tree removal. Hazardous trees are those that pose an imminent health, safety, or welfare threat to persons or property.
- B. 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:
 - 1. Replacement of existing structures with structures located on the original building footprint that do not disturb additional wetland or riparian corridor surface area;
 - 2. Streets, roads and paths that are included in the Molalla Transportation System Plan;

3. 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;
 4. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities;
 5. 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).
- C. The following uses and activities are prohibited within the WR Overlay District:
1. New residential, commercial, industrial, or public/semi-public construction;
 2. Expansion of existing buildings or structures;
 3. Expansion of areas of pre-existing non-native ornamental landscaping such as lawn and gardens;
 4. Dumping, piling, or disposal of refuse, yard debris, or other material.
- D. 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.
1. Such use, sign or structure may continue at a similar level and manner as existed on the date of the adoption of this ordinance.
 2. 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.
 3. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides.
 4. Vegetation that is removed or diseased shall be replanted with native species.
 5. 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.
 6. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

18.7.200 HISTORIC SITES

SECTIONS:

18.7.210 DESIGNATION PROCEDURE

18.7.220 LAND USE ADJACENT TO SITES

18.7.230 NO RESTRICTIONS ON USE OF ADJACENT PROPERTIES

18.7.210 DESIGNATION PROCEDURE

The purpose of this chapter is to designate and preserve sites or structures in the City of Molalla which have historical significance. The Planning Commission, together with the Molalla Historical Society, will identify and designate sites or structures in the City, which 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. Notification shall be made to those affected parties as listed under the Type B notification procedure of Title 16, at least 10 days prior to the hearing. The notice shall include the following information:

- A. The date, time and location of the hearing.
- B. 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.
- C. The nature of the proposed hearing.

18.7.220 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.

- A. Setbacks greater than those required in the subject zoning district;
- B. Adequate buffering and screening of the adjacent property from the historic site.

18.7.230 NO RESTRICTIONS ON USE OF ADJACENT PROPERTIES

No restrictions shall be placed on the adjacent properties which deny the reasonable use of the property.

CHAPTER 18.8 - SIGNS

SECTIONS:

- 18.8.100 PURPOSE**
- 18.8.110 AREA OF SIGNS**
- 18.8.120 PERMIT REQUIREMENTS**
- 18.8.130 CONSTRUCTION AND MAINTENANCE**
- 18.8.140 SIGN REMOVAL**
- 18.8.200 NON-CONFORMING SIGNS**
- 18.8.210 EXEMPT SIGNS**
- 18.8.300 PROHIBITED SIGNS**
- 18.8.400 DESIGN STANDARDS**
- 18.8.410 PERMANENT SIGNS EXEMPT FROM PERMIT AND FEE**
- 18.8.500 REGULATION OF TEMPORARY SIGNS**
- 18.8.510 TEMPORARY SIGNS REQUIRING A PERMIT**
- 18.8.600 SIGNS REQUIRING A PERMIT**
- 18.8.710 AUTOMOBILE SERVICE STATION SIGN STANDARDS**
- 18.8.730 SIGNAGE ON CARS**
- 18.8.740 GARAGE/HOUSEHOLD SALES**
- 18.8.750 NAME PLATES**
- 18.8.760 OPEN HOUSE SIGNS**

18.8.100 PURPOSE

A. The purpose of the sign regulations is to:

1. Protect the health, safety, property and welfare of the public;
2. Provide a neat, clean, orderly and attractive appearance in the community;
3. Provide for safe construction, location, erection and maintenance of signs;
4. Encourage signs to be well designed and wisely located;
5. Prevent sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
6. Provide a simple and efficient regulatory process; and
7. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

B. To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.

C. Nothing in these regulations is intended to control the construction or location of directional or information signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes

18.8.110 AREA OF SIGNS

Sign area includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, essential sign structure, foundations or supports. For a multiple-face (more than 2 sided) sign, the sign area shall be the total of all faces. If the sign consists of more than one section or module, all areas will be totaled. For a double-faced sign in a single cabinet, the allowed area shall be the dimension of the cabinet, not the total of the area of the message.

18.8.120 PERMIT REQUIREMENTS

- A. Permit Required. All signs erected after the effective date of this chapter, other than signs exempt from permit requirements of this chapter shall require a sign permit.
- B. Permit Application.
1. Application for a sign permit shall be made on forms provided by the Planning Director;
 2. An application shall include all plans and information necessary to establish that the proposed sign complies with the applicable requirements of this chapter and applicable building, structural and life safety codes;
 3. Sign permits shall be reviewed pursuant to a Type I Land Use Procedure;
 4. An approved sign review does not replace, supersede, or waive structural or electrical standards and permits required. These other permits must also be obtained prior to work on the installation of the sign;
 5. Signs requested to be placed in any public right-of-way must first obtain permission from the jurisdiction having control of said right-of-way.
 6. A sign review permit issued under this chapter is void if substantial physical action is not taken in accordance with the conditions of the permit and the applicable provisions of this chapter, and the finding that the applicant did not misrepresent or falsify any information supplied in the application;
 7. Site plan and/or building elevation plans drawn to scale and dimension showing:
 - a. Existing structures;

- b. Driveways;
 - c. Street and Right-of-way;
 - d. Existing Signs;
 - e. Proposed Sign;
 - f. Vision Clearance;
 - g. All incidental signs.
8. A proposed sign plan drawn to scale and dimension showing:
- a. Height;
 - b. Width;
 - c. Square footage;
 - d. Thickness;
 - e. Size and Style of Letters;
 - f. Color;
 - g. Type of Illumination;
 - h. Materials
- C. Fees. A fee as established by resolution of the City Council shall be paid upon the filing of an application. Such fees shall not be refundable.
- D. Permit Conditions. The Planning Department shall attach conditions in conjunction with the approval of a sign permit in order to ensure the intent of this code is met. The Planning Department may also require guarantees and evidence to ensure that such conditions will be complied with.
- E. Permit Appeal. A decision may be appealed to the Planning Commission. A written appeal must be filed with the Planning Department within 10 days of the notice of the decision. The appeal shall be conducted pursuant to a Type I Land Use appeals process.
- F. Permit Suspension or Revocation. The Planning Director or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

18.8.130 CONSTRUCTION AND MAINTENANCE

- A. Signs shall be constructed, erected and maintained to meet the requirements of the Oregon Structural Specialty Code, National Electric Code and Oregon Mechanical Code. In addition, all illuminated signs shall be subject to the provisions of the Underwriters' Standards, as defined in Underwriters' Laboratories, "Standards for Safety, Electric Signs." For purposes of this section, "illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign property;
- B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition;
- C. All signs shall be located entirely within the boundaries of the subject property unless specifically authorized by this code;
- D. No sign shall be erected or maintained in such a manner that any portion will interfere in any way with the free use of, or any access to, any fire escape, or be erected or maintained so as to obstruct any window so that light or ventilation required by any applicable law or building code.
- E. It is unlawful to erect or maintain a sign which, by reason of its size, location, immediate danger to the health, safety and welfare of the citizens of the city by pedestrian or motorists, at public and/or private roadways, intersections, and driveways.
- F. All signs shall be able to withstand a wind pressure at a minimum of 20 pounds per square foot of exposed surface.
- G. All signs shall be constructed securely and shall not constitute a fire hazard.
- H. When wood is used which comes into contact with the ground, the wood must be pressure treated.

18.8.140 SIGN REMOVAL

The planning department may order removal of any sign erected, replaced, reconstructed or maintained in violation of these regulations.

- A. The planning department shall deliver written notice by certified mail (return receipt requested) to the owner of the sign, or, if the owner of the sign cannot be located, to the owner of the lot(s) as shown on the tax rolls of Clackamas County, on which such sign is located, directing that the sign shall be removed or brought into compliance with these standards.

- B. If the owner of such sign or the owner of the lot(s) on which the sign is located fails to remove the sign or remedy the violation within 30 days after receipt of written notice from the city, the Planning Director shall cause such sign to be removed at the expense of the property owner. Such costs shall be entered by the city recorder on the docket of city liens against the property owner, and shall be collectible in the same manner as liens for public improvements.
- C. If the condition of the sign presents an immediate threat to the safety of the public, the Planning Director may cause removal of the sign immediately, without prior notice, and the expenses for such removal shall be paid by the owner of the sign or the permit applicant. If such persons cannot be found, the expense shall be paid by the owner of the building, structure or property.

18.8.200 NON-CONFORMING SIGNS

- A. A non-conforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, signs shall be considered to be non-conforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.
- B. Relocation, replacement, structural alteration or expansion of a non-conforming sign is subject to the same limitations, application procedures and requirements set forth in this chapter for other non-conforming structures. Except approval of a non-conforming structure application is not required for the following:
 1. Normal repair and maintenance, where the cost to repair the sign does not exceed 50 percent of the replacement cost of the sign using new materials, as determined by the Building Official.
 2. Change of sign copy.
 3. Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official,
 4. A non-conforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity.
- C. Signs installed in violation of any prior sign code or applicable laws or regulations, and which are in violation of this chapter, shall be removed, replaced or altered in order to conform to the requirements of this chapter.

- D. Signs recognized as historical element of a historical landmark are exempt from this chapter.
- E. All non-conforming signs shall be altered to conform to the requirements of this chapter by January 1, 2025.
- F. A sign for which a variance is granted under the provisions fo this chapter is not considered non-conforming.
- G. If a non-conforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60 percent of its replacement value, the non-conforming sign shall be removed.
- H. An unlawful sign shall be removed or made to conform within 60 days after written notice from the Planning Department. Said 60 day period may be extended if the owner of an unlawful sign submits to the Planning Department a declaration signed under penalty of perjury, on forms provided by the Department, stating that he/she intends to terminate the business identified by said sign within 12months of the date of the notice and agrees to remove the sign upon the expiration of the 12 month period or the date he/she terminates his/her business, whichever occurs first.

18.8.210 EXEMPT SIGNS

All signs which are placed inside a structure or building, which are not visible through windows or building openings and are not intended to be visible to the public are exempt from the provisions of the sign code.

18.8.300 PROHIBITED SIGNS

- A. No sign, unless exempt or allowed pursuant to this chapter shall be permitted except as may be permitted pursuant to a variance procedure (Chapter 20.1);
- B. In a commercial or industrial zone no sign shall be placed inside or outside a structure so as to obscure more than 25 percent of any individual window surface. In a residential zone no sign shall be placed so as to obscure more than 10 percent of any individual window surface. Glass doors shall be considered an individual window surface;
 - 1. Holiday paintings and temporary specials painted on windows shall be exempt from this percentage of limitation.
- C. No permanent sign, other than a public sign, may be placed within or over any portion of the public right-of-way, except those signs which are consistent with the provisions of this chapter;
- D. No sign shall be allowed within 2 feet of any area subject to a vehicular travel;

- E. No temporary sign, except for banner signs for which a permit has been issued and those necessary for temporary traffic control shall be placed within or over any portion of the public right-of-way of a major collector or arterial street;
- F. No sign shall be located in a manner which could impede travel on any pedestrian or vehicular travel surface;
- G. No temporary signs, bench signs. Banners, pennants, wind signs, balloon signs, flags, or any other temporary sign structure shall be allowed as except specifically authorized by this chapter;
- H. Except as otherwise provided herein, no sign shall be equipped or displayed with moving, flashing or intermittent illumination except athletic scoreboards;
- I. No sign shall be or consist of any moving, rotating, or otherwise animated part.
- J. No signs on buildings shall be placed on the roof or extend above the roof line or parapet of the structure;
- K. No sign shall be attached to a tree or vegetation;
- L. No non-public sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic on the street, or which hides from view any official traffic sign or signal shall be permitted;
- M. No public address system or sound devices shall be used in conjunction with any sign or advertising device;
- N. No signs that are internally illuminated shall be permitted in any residential zone;
- O. No sign that obstructs free and clear vision of the traveling public at the intersection of any street or driveway shall be permitted.
- P. A sign with lighting of such intensity or brilliance as to cause glare on adjoining properties or roadways or impair the vision of a driver of a motor vehicle or otherwise to interfere with the operations thereof or allows light to be directed upward.
- Q. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction.
- R. Any sign larger than 32square feet (counting both sides) on an undeveloped lot or parcel of property.
- S. Signs larger than 3square feet on fences or fencing.

- T. Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure not registered, licensed and insured for use on public highways, city and/or parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
- U. Video Signs.
- V. Signs in violation of the other chapters of the Molalla Development Code.

18.8.400 DESIGN STANDARDS

- A. All illuminated signs must be installed by a licensed sign contractor, subject to provisions of the State Electrical Code. All electrically illuminated signs shall bear the Underwriters Laboratory label or equivalent.
- B. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining permits the applicant bears the burden of providing an approved sign permit or demonstrating exemption from the permit requirements of this chapter.
- C. Signs shall be designed to be compatible with nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationship of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
- D. Content on signs visible from streets shall be designed to minimize distractions to motorists. Signs may be reviewed for clarity and readability.
- E. **Setbacks.** Signs are required to meet the setback requirements of the applicable zoning district, except however the street yard setback for signs may be reduced to 50 percent of that required for other structures in the zone. Signs shall not obstruct a vision clearance area.
- F. **Size of Sign.**

The maximum size of all signs per building shall not exceed the totals listed in the table below:

Street Frontage (ft)	Maximum Display Surface Area (Sq. ft.)	Maximum area of Any one Sign Face (Sq. ft.)	Maximum Height Freestanding Signs(ft)
1 – 50	50	25	30
50 – 200	100	50	30
201+	300	150	30

On a building containing multiple tenants signage requirements shall meet the maximum below as an entire building not as individual business.

G. **Illumination.** External illumination is allowed. The external illumination may be either “direct” or “indirect”, provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed and shielded in order to avoid direct illumination of any off-site object or property.

1. Internal illumination is allowed.
2. Sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in “light intrusion” onto adjacent properties.
 - a. Direct lighting means exposed lighting or neon tubes on the sign face.
 - b. Indirect lighting means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
 - c. Internal lighting means the light source is concealed within the sign.
3. Signs shall not flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
4. Exposed incandescent bulbs may be used on the exterior surface of a sign if each of such bulbs do not exceed 25watts or unless each such bulbs are screened by a diffusing lens, sun screen or similar shading device.

H. **Monument Signs.**

1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.
2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection 4 of this section.
 - a. The base and top shall be constructed of stone, brick, or wood;
 - b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.
 - c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.
3. Monument signs shall provide street addresses when street addresses are not visible from the street.

4. A monument sign which does not meet one or more of the standards detailed above in subsections 1 through 3, may be approved by the Planning Director pursuant to the Type II Land Use Procedure. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:
 - a. The overall design of the sign exhibits a sense of structure; and
 - b. Materials, similar to stone, brick, or wood are used; and
 - c. The proposed sign is in conformance with all other applicable city ordinances concerning its location, construction, and design.

I. Blade/Overhang Signs

1. Blade/overhang sign shall not extend more than 8 feet from the building face.
2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from the curb.
3. A minimum 9 foot clearance shall be provided between grade and the bottom of a blade/overhang sign.

J. Wall Signs

1. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). An encroachment permit is required prior to encroachment into any public right-of-way.
2. The surface area of a wall sign shall not be more than 2 square feet per lineal foot of the wall on which it is erected.
 - a. For shopping centers the footage will be counted on the entire surface of the wall on which the sign is being erected and include all signs erected on that wall in the total footage.

K. Reader Boards and Electronic Message Boards.

1. The rate of change for sign copy on a bulletin or electronic message board from one message to another message shall be no more frequent than every 8 seconds. Once changed, content shall remain static until the next change.
2. Displays may travel horizontally or scroll vertically onto electronic message boards, but must hold a static position after completing the travel or scroll.

3. Sign content shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Content shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on or leaves the electronic message board.
4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.
5. Electronic reader boards may be placed in commercial, industrial and public zones only.
6. No electronic message board may be located closer than 500 feet from another electronic message board.
7. These signs are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

L. A-Frame Signs

1. Dimensions. The A-frame sign area shall not exceed three 3 feet high by 2 feet wide. The top of the sign shall be no more than 42 inches from the ground (including feet and hinge mechanisms).
2. Construction. Shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.
3. Location. Shall not be located further than 100 feet from the primary business. Signs must not obstruct vehicle sight clearances or be placed so as to obscure permanent signs.
4. Quantity. No more than one A-frame sign per business.
5. No A-frame sign shall include any parts or attachments that extend beyond the edge of the sign dimensions.
6. No reflective materials shall be incorporated into the A-frame sign.
7. Neon colors shall not be incorporated into the A-frame sign.
8. No A-frame sign shall be placed along any designated sidewalk, or walkway in such a manner as to impede pedestrian passage.
9. A-frames shall not be placed in landscaped areas.

10. All A-frames shall comply with the requirements of this code within 1 year of adoption of this code.
11. Time Period. A-frame signs may be displayed only during public business hours, and shall be promptly removed from public display when the business is closed, or at dusk, whichever comes first. For enforcement purposes, dusk is when nearby street lights turn on.
12. An A-frame sign which does not meet one or more of the standards detailed in this section above, may be approved by the Planning Director pursuant to a Type II Land Use Procedure. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:
 - a. The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard concerning its location, construction, and design.

M. Signs in Residential Zones. In addition to the temporary and permanent signage allowed without a permit in the residential zones the following signage is allowed subject to permit and fee:

1. Monument Signs

- a. Subdivision Identification Sign and Multi-Family (16 or more units) Monument Signs. A permanent sign may be located at the principle entrance to a subdivision identifying the name of the development. Any sign permitted pursuant to this provision shall meet all the following requirements:
 - 1) Size. Maximum area on one sign face is 32 square feet;
 - 2) Maximum Height. 6 feet
 - 3) Lighting. Indirect lighting shall be used when lighting is requested
 - 4) Types of materials to be used shall be similar to that of the surrounding area. These types include:
 - a) Wood;
 - b) Stone;
 - c) Brick
 - 5) No bright colors of any kind shall be allowed on these signs. All signage shall follow the base color code.
 - 6) Signs shall be placed in a landscaped area.

- 7) Signs may include the name of the subdivision or apartment complex as well as a phone number and the owner of the complex.
- b. Church, School, Public/Semi-Public Facility, or privately-owned Community Center
 - 1) Size. Maximum of 40 square feet per sign face
 - 2) Maximum Height. 7 feet high
 - 3) Location/Number. One sign per parcel
2. Blade/Overhang Signs
 - a. Home Occupation or permitted Commercial Use
 - 1) Size. Maximum 2 square feet per sign face
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher
 - 3) Location/Number. One sign per building frontage
 - b. All other Uses – Not allowed
3. Wall Signs
 - a. Church, School, Public/Semi-Public Facility
 - 1) Size. Maximum 9 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage
 - b. Home Occupation or permitted commercial use other than those listed above in subsection (a):
 - 1) Size. Maximum 2 square feet
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher

- 3) Location/Number. Maximum one sign; no specific location requirement
- c. All other Uses – Not allowed
4. Reader Boards and Electronic Message Boards
 - a. Reader Boards for Church, School, Public/Semi-Public Facility
 - 1) Size. Bulletin board may encompass up to 75 percent of sign face area
 - 2) Maximum Height. Determined by height of sign
 - 3) Location/Number. Only allowed as a permitted sign
 - b. Electronic Message Board for Church, School, Public/Semi—Public Facility
 - 1) Size. Electronic message board may be no larger than 8 foot horizontal by 3 foot vertical from the ground
 - 2) Maximum Height. Determined by height of sign
 - 3) Location/Number. Only allowed as part of permitted sign
 - c. Bulletin Board and Electronic Message Board all other areas – Not Allowed
5. Pole Signs
 - a. Church, School, Public/Semi-Public Facility
 - 1) Size. Maximum 40 square feet per sign face.
 - 2) Maximum Height. 8 feet high
 - 3) Location/Number. One sign may be located adjacent each street frontage
 - b. All Other Uses – Not allowed
6. Awning Sign or Canopy Sign
 - a. Not permitted on any use
7. Marquee Sign
 - a. Not permitted on any use
8. Window Sign

a. Window Sign

- 1) Size. Maximum 15 percent of total window area
- 2) Maximum Height. Determined by height of window
- 3) Location/Number. Only allowed in ground floor or 2nd floor windows

N. **Signs in the Central Business District.** In addition to the temporary and permanent signage allowed without permit in the following Central Business District zones the following signage is allowed subject to permit and fee:

1. Monument Signs

a. Church, School, or Public Facility

- 1) Size. Maximum 40 square feet per sign face up to 2 sign faces.
- 2) Maximum Height. 9 feet high
- 3) Location/Number. One sign may be located adjacent on each street frontage

b. Minor Business Complex

- 1) Size. Maximum 50 square feet per sign face up to 2 sign face
- 2) Maximum Height. 12 feet
- 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage

c. Major Business Complex

- 1) Size. Maximum 65 square feet per sign face up to 2 sign faces
- 2) Maximum Height. 12 Feet High
- 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage.

d. All Other Uses

- 1) Size. Maximum 40 square feet per sign face up to 2 sign faces

- 2) Maximum Height. 9 feet height
 - 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage
2. Blade/Overhang Sign
- a. All Other Uses
 - 1) Size. Each sign shall have a maximum sign face area of 20 square feet.
 - a) The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.
 - 2) Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location.
3. Wall Signs
- a. Church, School, Public/Semi-Public Facility
 - 1) Size. Maximum 9 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage
 - b. Home Occupation or permitted commercial use other than those listed above in subsection (a):
 - 1) Size. Maximum 2 square feet
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. Maximum one sign; no specific location requirement
 - c. All Other Uses – Not allowed

4. Reader Boards and Electronic Message Board Signs
 - a. Size. May be no larger than 8 foot horizontal by 3 foot vertical from the ground.
 - b. Maximum Height. Determined by height of sign
 - c. Location/Number. Only allowed as a permitted sign
5. Bulletin Board – All Other Uses
 - a. Size. May encompass up to 50 percent of sign face area.
 - b. Maximum Height. Determined by height of sign
 - c. Location/Number. Only allowed as of a permitted sign
6. Pole Signs
 - a. Church, School, Public/Semi-Public Facility
 - 1) Size. Maximum 40 square feet per sign face (up to 2 faces)
 - 2) Maximum Height. 12 feet high
 - 3) Location/Number. One sign may be located adjacent to each street frontage
 - b. Minor Business Complex
 - 1) Size. Maximum 50 square feet per sign face (up to 2 faces)
 - 2) Maximum Height. 18 feet high
 - 3) Location/Number. One sign may be located adjacent to each street frontage
 - c. Major Business Complex
 - 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.
 - a) The total combined area of the marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - b) The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.

- c) The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
 - 2) Maximum Height. Shall not project above the roof line or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at the location.
7. Awning Sign or Canopy Sign
 - a. Use on Site – All Uses
 - 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.
 - a) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - b) The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
 - 2) Maximum Height. Shall not project above the roofline or parapet wall whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location. Sign shall no extend more than 8 inches from the building face. Outer edge of sign shall be set back a minimum of 2 feet from the curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of the sign.
8. Marquee Sign
 - a. Use on Site. All Uses
 - 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - a) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of the building elevation area allowed.

- 2) Maximum Height. Shall not project more than 8 feet above the roofline or parapet wall, whichever is higher the blade/overhang portion of the sign may extend above the roof line or parapet wall.
 - 3) Location/Number. One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be setback a minimum of 2 feet from a curb.
9. Window Sign

a. Use on Site. All Other Uses

- 1) Size. Maximum 15 percent of total window area
- 2) Maximum Height. Determined by height of window
- 3) Location/Number. Only allowed in ground floor or 2nd floor windows

O. **Signs in the Commercial District.** In addition to the temporary and permanent signage allowed without permit in the following commercial zones the following signage is allowed subject to permit and fee:

1. Monument Signs

a. Church, School, or Public Facility

- 1) Size. Maximum 48 square feet per sign face up to 2 sign faces.
- 2) Maximum Height. 9 feet
- 3) Location/Number. One sign may be located adjacent on each street frontage.

b. Minor Business Complex

- 1) Size. Maximum 100 square feet per sign face up to 2 sign faces.
- 2) Maximum Height. 12 feet
- 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage.

c. Major Business Complex

- 1) Size. Maximum 150 square feet per sign face up to 2 sign faces.

- 2) Maximum Height. 12 feet
 - 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage.
- d. All other uses
- 1) Size. Maximum 48 square feet per sign face up to 2 sign faces.
 - 2) Maximum Height. 12 feet
 - 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage.
2. Blade/Overhang Signs
- a. All other uses
- 1) Size. Each sign shall have a maximum sign face area of 48 square feet.
 - a) The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.
 - 2) Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location.
3. Wall Signs
- a. All Uses
- 1) Size. Maximum sign area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - a) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - b) The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.

- c) If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 130 square feet.
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location.
- 4. Reader Boards and Electronic Message Board Signs
 - a. Bulletin Board for Church, School, Public/Semi-Public Facility
 - 1) Size. May encompass up to 75 percent of the sign face area.
 - 2) Maximum Height. Determined by height of sign.
 - 3) Location/Number. Only allowed as a permitted sign.
 - b. Bulletin Board – All other Uses
 - 1) Size. May encompass up to 50 percent of sign face area
 - 2) Maximum Height. Determined by height of sign
 - 3) Location/Number. Only allowed as part of a permitted sign
 - c. Electronic Message Board - All Uses
 - 1) Size. May be no larger than 8 foot horizontal by 3 foot vertical from the ground
 - 2) Determined by height of sign
 - 3) Location/Number. Only allowed as part of permitted sign.
- 5. Pole Signs
 - a. Church, School, Public/Semi-Public Facility
 - 1) Size. Maximum 48 square feet per sign face (up to 2 faces)
 - 2) Maximum Height. 18 feet
 - 3) Location/Number. One sign may be located adjacent each street frontge

b. Minor Business Complex

- 1) Size. Maximum 100 square feet per sign face (up to 2 faces)
- 2) Maximum Height. 20 feet
- 3) Location/Number. One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

c. Major Business Complex

- 1) Size. Maximum 130 square feet per sign face (up to 2 faces)
- 2) Maximum Height. 26 feet
- 3) Location/Number. One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.

d. All Other Uses

- 1) Size. Maximum 48 square feet per sign face (up to 2 faces)
- 2) Maximum Height. 18 feet
- 3) Location/Number. One sign; except one sign may be located adjacent each collector or arterial street frontage.

6. Awning Sign and Canopy Sign

a. Use on Site. All uses

- 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - a) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - b) The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.

- 2) Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
- 3) Location/Number. One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.

7. Marquee Sign

a. Use on Site. All uses

- 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - a) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of the building elevation area allowed.
- 2) Maximum Height. Shall not project more than 8 feet above the roofline or parapet wall, whichever is higher the blade/overhang portion of the sign may extend above the roof line or parapet wall.
- 3) Location/Number. Outer edge of sign shall be setback a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.

8. Window Signs

a. Use on Site. All other uses

- 1) Size. Maximum 15 percent of total window area
- 2) Maximum Height. Determined by height of window
- 3) Location/Number. Only allowed in ground floor or 2nd floor windows

P. Signs in the Community Planning Area. In addition to the temporary and permanent signage allowed without permit in the Community Planning Area the following signage is allowed subject to a permit and fee.

1. Monument Signs

a. Church, School, or Public Facility

- 1) Size. Maximum 32 square feet per sign face up to 2 sign faces.
 - 2) Maximum Height. 7 feet
 - 3) Location/Number. One sign may be located adjacent on each street frontage.
- b. Residential – None
- c. All other uses
- 1) Size. Maximum 32 square feet per sign face up to 2 sign faces.
 - 2) Maximum Height. 7 feet
 - 3) Location/Number. One sign except on site abutting a collector or arterial street one sign may be located adjacent to each collector/arterial street frontage.
2. Blade/Overhang Signs
- a. All other uses
- 1) Size. Each sign shall have a maximum sign face area of 6 square feet.
 - 2) Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location.
3. Wall Signs
- a. Church, School, Public/Semi-Public Facility
- 1) Size. Maximum sign face area for each sign is 60 square feet on a primary building frontage.
 - a. The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
 - 1) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 2) Location/Number. One sign per building frontage.
- b. All Uses:

- 1) Size. The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the primary building.
 - a) The maximum sign face area of all signage allowed on a secondary building frontage is 4 percent of the building elevation of the secondary building frontage, up to a maximum of 8 square feet.
 - 2) Maximum Height. Shall it project above the roofline or top of the parapet wall, whichever is greater.
 - 3) Location/Number. No more than one wall sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley).
4. Bulletin Board Sign and Electronic Message Board Signs
- a. Bulletin Board for Church, School, Public/Semi-Public Facility
 - 1) Size. May encompass up to 75 percent of the sign face area.
 - 2) Maximum Height. Determined by height of sign.
 - 3) Location/Number. Only allowed as a permitted sign.
 - b. Bulletin Board – All other Uses
 - 1) Size. May encompass up to 50 percent of sign face area
 - 2) Maximum Height. Determined by height of sign
 - 3) Location/Number. Only allowed as part of a permitted sign
 - c. Electronic Message Board - All Uses
 - 1) Size. May be no larger than 8 foot horizontal by 3 foot vertical from the ground
 - 2) Determined by height of sign
 - 3) Location/Number. Only allowed as part of permitted sign.
5. Pole Signs
- a. Church, School, Public/Semi-Public Facility

- 1) Size. Maximum 32 square feet per sign face (up to 2 faces)
 - 2) Maximum Height. 8 feet
 - 3) Location/Number. One sign may be located adjacent to each street frontage.
- b. All Other Uses
- 1) Size. Maximum 32 square feet per sign face (up to 2 faces)
 - 2) Maximum Height. 8 feet
 - 3) Location/Number. One sign; except on a site with more than one street frontage one sign may be located adjacent to each collector or arterial street frontage.
6. Awning Sign or Canopy Sign
- a. Use on Site. Church, school, or public/semi-public facility
- 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 50 square feet.
 - a) The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 25 square feet.
 - 2) Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.
- b. Use on Site. All other uses – Not allowed
7. Marquee Sign – Not Allowed
8. Window Sign
- a. Use on Site. All other uses
- 1) Size. Maximum 15 percent of total window area

- 2) Maximum Height. Determined by height of window
 - 3) Location/Number. Only allowed in ground floor or 2nd floor windows
- Q. **Signs in Industrial Districts.** In addition to the temporary and permanent signage allowed without permit in the following industrial zones the following signage is allowed subject to permit and fee:

1. Monument Signs

a. All uses in the M1 or M2 zones

- 1) Size. Maximum 32 square feet per sign face up to 2 sign faces.
- 2) Maximum Height. 6 feet
- 3) Location/Number. One sign

b. All uses in Support Commercial

- 1) Size. Maximum 32 square feet per sign face up to 2 sign faces.
- 2) Maximum Height. 8 feet
- 3) Location/Number. One sign

2. Blade/Overhang Signs

a. All other uses

- 1) Size. Each sign shall have a maximum sign face area of 48 square feet.
 - a) The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.
- 2) Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
- 3) Location/Number. One sign per building frontage for each business license on file with the City at that location.

3. Wall Signs

a. All Uses

- 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 300 square feet.
 - a) The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 190 square feet.
 - 2) Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - 3) Location/Number. Painted wall signs are prohibited. Internally illuminated box style signs, also called can signs, are prohibited. For other types of wall signs, one sign is permitted per building frontage for each business license on file with the City at that location.
4. Reader Boards and Electronic Message Boards
- a. Bulletin Board – All other Uses
 - 1) Size. May encompass up to 50 percent of sign face area
 - 2) Maximum Height. Determined by height of sign
 - 3) Location/Number. Only allowed as part of a permitted sign
 - b. Electronic Message Board - All Uses
 - 1) Size. May be no larger than 8 foot horizontal by 3 foot vertical from the ground
 - 2) Determined by height of sign
 - 3) Location/Number. Only allowed as part of permitted sign.
5. Pole Signs – Not allowed
6. Awning Sign or Canopy Sign
- a. Use on Site. All uses
 - 1) Size. Maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

- a) The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.
 - 2) Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
 - 3) Location/Number. One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.
7. Marquee Sign – Not allowed
8. Window Signs
- a. Use on Site. All uses
 - 1) Size. Maximum 15 percent of total window area
 - 2) Maximum Height. Determined by height of window
 - 3) Location/Number. Only allowed in ground floor or 2nd floor windows

18.8.410 PERMANENT SIGNS EXEMPT FROM PERMIT AND FEE

The following signs shall comply with all provisions and regulations of this chapter, however, no fee, permit or application is required:

- A. One sign not exceeding one square foot in area hung from a building.
- B. One sign not exceeding 2 square feet in area placed on any occupied residential lot.
- C. Incidental Signs. Not exceeding 6 square feet in area shall be allowed on any parcel that a Multiple Dwelling is constructed.
- D. Public Signs. For hospitals or emergency services, legal notices, railroad signs, and danger signs.
- E. Signs or tablets (including names of buildings, and the date of erection) when cut into any masonry surface, or constructed of bronze or other noncombustible surface not to exceed 8 square feet in area.

- F. Athletic Field Signs. Rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any 8 linear feet of fence. The maximum height shall not exceed 8 feet above grade. The signs shall be placed so as to be visible from the interior of the field and/or viewing stands. One sign located at one end of the field visible to spectators shall have a maximum height of 15 feet above grade and shall be a maximum of 64 square feet.
- G. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures such as soft drink machines, fuel pumps, and newspaper dispensers.
- H. No “solicitation” sign pursuant to size.
- I. Signs attached to or carried by a person, limited to 6 square feet in total size.
- J. Flags as outlined in Chapter 21.30.

18.8.500 REGULATION OF TEMPORARY SIGNS

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit or application is required. Temporary signs are prohibited signs except as provided by this section.

- A. Generally.
1. Illumination. No temporary sign shall be internally or externally illuminated.
 2. Location.
 - a. No temporary sign shall extend into or over the public right-of-way of any street.
 - b. Signs allowed in the right-of-way for temporary traffic control shall provide a minimum of 5 feet of clear passage of pedestrians on the sidewalk where a sidewalk exists and shall come no closer than 2 feet from areas subject to vehicular travel.
 - c. No temporary sign shall extend into the vision clearance area.
 3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 4. Placement. Except as provided by this section, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.

5. Sign Collection and Retrieval

- a. The City may collect temporary signs placed in the public right-of-way without a permit.
- b. Each sign collected will be stored for a minimum of 30 days.
- c. Notice will be mailed within 3 business days of the date of collection to the owner of each sign if the ownership is reasonably discernible from the sign or as previously filed by the owner of the sign with the Planning Department.
- d. The owner of a sign may retrieve a sign collected by the City within 30 days of the collection date. The owner must present proof of ownership of the sign and pay a sign retrieval fee in the amount established by City Council Resolution.
- e. The owner of the sign may request a hearing before the Planning Commission to contest the sign removal. To request a hearing, the owner of a sign must file an application for a hearing and pay a hearing fee in an amount established by resolution of the City Council within 15 days of the date of mailing of the notice as provided in subsection (c) above. The hearing fee and the sign retrieval fee are refunded if the Planning Commission finds that the sign was removed improperly. At the hearing, testimony and evidence begins with the City, followed by the owner, and concludes with rebuttal by the City. After the evidence has been provided, the Planning Commission will close testimony and issue a written decision that states the facts of the case and the conclusions of the decision.

B. Allowed Signage.

1. To any residential zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, etc. Signage shall be allowed for each lot as follows:
 - a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. One temporary sign not exceeding 6 square feet provided the sign is removed within 15 days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On tracts of land of more than 2 acres in residential zones the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.

- c. One temporary sign not exceeding 4 square feet in area which is erected for a maximum of 8 days in any calendar month and is removed by sunset on any day it is erected.
 - d. Temporary signs erected within a building which do not obstruct more than 10 percent of any individual window surface.
2. In any commercial or industrial zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate signs, political or ideological positions, construction or remodeling, etc. The signage shall be allowed for each lot as follows:
- a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. Temporary sign not exceeding 32 square feet provided said signs are removed within fifteen days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - c. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than 7 days prior to the event and must be removed within 2 days following the event. No more than 3 such events shall be advertised in this manner per lot per year.
 - d. Temporary signs not exceeding 16 square feet in area erected in association with the temporary uses allowed by code including Christmas tree sales, pushcart vendors, Saturday market and sidewalk sales. This signage shall be allowed for the same duration as the temporary use.

18.8.510 TEMPORARY SIGNS REQUIRING A PERMIT

- 1. The City Manager may allow temporary signs larger than those allowed by this code to be erected. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the erection of such signs only if the City Manager finds that the proposed sign will not materially impair the purposes of the Sign Code. Seasonal decorations erected within the public right-of-way shall be considered to be such signs. These signs shall meet all applicable City Code provisions. Lighting of such signs will be reviewed as part of the application and may be allowed depending on impact to surrounding development.
- 2. The following requirements shall be met, as applicable:

- a. Written consent from the property owner where the sign will be located shall be provided. The consent shall identify any restrictions that the property owner requires of the permit holder. Banners hung from utility poles shall require written approval from Portland General Electric. Banners hung over a state highway will require written approval from the Oregon Department of Transportation.
 - b. Plans or a description showing the location of the sign; banner height above the right-of-way; support devices for the banner; and proposed dates shall be provided.
 - c. The display period shall not exceed 25 consecutive days in duration and no more than once in any 12 month period. All such signs shall be removed no later than one day following the event being advertised.
 - d. A copy of any liability and/or property damage insurance required by the property owner where the sign or banner will be located.
 - e. A signed rebate and indemnity agreement shall be provided if placing a banner over the public right-of-way.
 - f. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
3. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
 4. Any temporary sign that exceeds 6 square feet in size.

18.8.600 SIGNS REQUIRING A PERMIT

1. It is unlawful and a civil infraction for any person to erect, construct, alter or relocate any sign without first obtaining a permit pursuant to the provisions of this chapter unless a provision of this chapter specifically exempts a sign from the permit requirement.
2. It is unlawful and a civil infraction for any person to construct a sign that is not specifically allowed by this chapter or to erect, construct, maintain or allow to exist a sign in violation of the terms of the permit issued pursuant to this chapter.

18.8.710 AUTOMOBILE SERVICE STATION SIGN STANDARDS

Sign denoting gasoline prices, as provided for in Oregon Revised Statutes 649.030, are permitted subject to the following provisions:

- A. Maximum area on one sign face is 20 square feet.
- B. Maximum height is 25 feet or that required under freestanding signs whichever is less.

C. Only one gasoline sign shall be allowed per business location street frontage.

18.8.730 SIGNAGE ON CARS

Signs on cars not otherwise discussed in the MDC shall meet the following requirements:

1. Shall not project beyond the original frame of the vehicle more than 1/4";
 - a) Exceptions: pizza delivery, taxi, and the like.
2. Shall not be large than 6 square feet; and
 - a) Car wraps are exempt from the size requirements.
3. Shall not be parked in a right-of-way for periods of time to be used as a portable sign.

18.8.740 GARAGE / HOUSEHOLD SALES

Garage / household sales – Signs advertising household goods, such as a garage sale, are permitted, subject to the following provisions:

- A. Maximum area on one sign face is 6 square feet;
- B. Height of 3 square feet;
- C. On premises sign – One sign;
- D. 3 off premises A-frame signs;
- E. Placement no earlier than 8 a.m. on the first day and removal no later than 7 p.m. on the last day.
- F. Sign cannot create a traffic hazard, impede pedestrian passage or create a public nuisance.
- G. All garage sale signs shall include the address of the location of the garage sale.
- H. The City shall have available a reasonable supply of professional sale signs that can be rented by individuals. In addition, the City may secure a deposit to recover the cost of replacing the sign in the event of damage or loss.

18.8.750 NAME PLATES

Name plates identifying the occupant of a residence are permitted outright when not exceeding one square foot in size.

18.8.760 OPEN HOUSE SIGNS / FOR SALE SIGNS

Additional temporary single or double faced open house signs shall be permitted on private property during daylight hours provided such additional temporary signs are removed prior to sunset the day of placement. Such signs are permitted only on private property with the consent of the occupant. Units displaying an open house sign must remain unlocked during the time the sign is posted. An open house is to be attended by the seller or representative at all times during the open house. This section does not apply to model homes within subdivisions or model apartment units. An open house sign may not be displayed for the same address for more than 2 consecutive weekends.

One temporary sign per frontage, not exceeding 6 square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 days of the sale, lease or rental of the lot/structure.

TITLE 19 – ADMINISTRATION OF LAND USE AND DEVELOPMENT

- 19.1 TYPES OF REVIEW PROCEDURES
- 19.2 LAND USE REVIEW AND SITE DESIGN REVIEW
- 19.3 LAND DIVISIONS AND PROPERTY LINE
ADJUSTMENTS
- 19.4 CONDITIONAL USE PERMITS
- 19.5 MASTER PLANNED DEVELOPMENTS
- 19.6 MODIFICATIONS TO APPROVED PLANS &
CONDITIONS OF APPROVAL
- 19.7 LAND USE DISTRICT MAP & TEXT
AMENDMENTS
- 19.8 CODE INTERPRETATIONS
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USES, HOME OCCUPATIONS

CHAPTER 19.1 TYPES OF REVIEW PROCEDURES

SECTIONS:

- 19.1.100 PURPOSE & APPLICABILITY OF REVIEW PROCEDURES**
- 19.1.200 TYPE I PROCEDURE**
- 19.1.300 TYPE II PROCEDURE**
- 19.1.400 TYPE III PROCEDURE**
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- 19.1.600 COMPLETENESS REVIEW AND 120 DAY RULE**
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- 19.1.630 PLANNING DIRECTOR'S DUTIES**
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- 19.1.900 SPECIAL PROCEDURES**
- 19.1.910 TRAFFIC IMPACT STUDIES**

- 19.1.100 PURPOSE AND APPLICABILITY OF REVIEW PROCEDURES**

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 18.1.100 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/approval procedures: Type I, II, III, and IV. These procedures are described in subsections 1-4 below. Table 18.1.100 lists all of the City’s land use and development approvals and their required review procedure(s).

1. Type I Procedure (Administrative). Type I decisions are made by the City Planning Director without public notice and without a public hearing. Type I decisions require the application of clear and objective standards and do not require the exercise of policy or legal judgment in evaluating the application.
2. Type II Procedure (Administrative). Type II decisions are made by the City Planning Director with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.
4. Type IV Procedure (Legislative). Type IV procedures apply to legislative decisions. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

C. Review by the Planning Commission and City Council

1. Review of a decision by the Planning Director or designee or a Hearings Body's decision may be initiated by not less than 4 members of the Planning Commission or the City Council.
2. The review shall be initiated in writing and delivered to the Planning Director within 12 days of the date of the mailing of the final written decision of the Planning Director or lower Hearings Body.
3. Review shall be conducted in the same manner provided for an appeals, except that an appeal fee and transcript shall not be required.

Table 19.1.100 Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
Access Permit (public street)	Type I	Chapters 18.1, 19.2, 19.3; Engineering Standards
Building Permit	N/A	Building Code
Code Interpretation	Type II	Chapter 19.8
Code Amendment	Type IV	Chapter 19.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 19.4
Flood Plain Development Permit	Type I	Building Code
Home Occupation	Type I	Chapter 19.9.200
Master Planned Development	Type III	Chapter 19.5
Modification to Approval	Type II/III (minor or major)	Chapter 19.6
Land Use District Map Change Quasi-Judicial (no plan amendment required) Legislative (plan amendment)	Type III Type IV	Chapter 19.7
Property Line Adjustments & Lot Consolidations	Type II	Chapter 19.3
Lot of Record Determination	Type II	Chapter 20.4
Non-Conforming Use or Development Confirmation	Type II	Chapter 20.3
Partition	Type II	Chapter 19.3
Sign Permit	Type I	Chapter 18.8
Land Use Review	Type I	Chapter 19.2, Building Code
Site Design Review	Type II / III	Chapter 19.2
Subdivision Preliminary Plan Final Plat	Type III Type I/	Chapter 19.3
Temporary Use Permit	Type II	Chapter 19.9.100
Tree Removal	Type I	Chapter 18.7, Chapter 18.2
Variance	Type I Type II Type III	Chapter 20.1

* The applicant may be required to obtain approvals from other agencies, such as a road authority. The City notifies agencies of applications that may affect their facilities or services.

19.1.200 TYPE I PROCEDURE (ADMINISTRATIVE)

A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the City.
2. Submittal Requirements. Type I applications shall:
 - a. Include the information requested on the application form;
 - 1) A permit may be initiated only by the record property owner, contract purchaser (or a representative of the owner or purchaser), the City Manager or designee.
 - 2) Where there is more than one record owner, the City will not accept an application without signed authorization from all record owners.
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Include the required fee.
 - d. The applicant has the burden of demonstrating, with evidence that all applicable approval criteria are or can be met.

B. Notice of Application for Type I Administrative Decision. Notice is only required to be provided to the applicant and must be posted in a public place at City Hall and on the property as stated in “C” below. No additional notice is required.

C. Posting of Property. The applicant is responsible for posting the property in the following manner:

1. City Guidance and the Applicant’s Responsibility
 - a. The City shall supply all notices that an applicant is required to post on the subject property, and shall specify the dates the notices are to be posted as well as the earliest date on which they may be removed;
 - b. The City shall also provide a statement, to be signed and returned by the applicant, certifying that the notice(s) were posted at the correct time. If there is any delay in the City’s land use process caused by the applicant’s failure to correctly post the subject property for the required period of time and in the correct location, the applicant shall extend the 120-day period by that amount of time expired since the notice was sent or the problem was found and notification sent to the applicant..
2. Number and Location of Postings

- a. The applicant must place the notices on each frontage of the subject property where a public right-of-way abuts the subject property;
- b. If a property's frontage exceeds 600 feet, the applicant shall post one copy of the notice for each 600 feet or fraction thereof;
- c. In the case a property's size and dimension does not meet the requirements above, the Planning Director may require additional notices to be posted;
- d. The applicant shall remove the signs within 10 days following the event announced in the notice.

D. Administrative Decision Requirements. The Planning Director's shall issue a written decision that addresses all of the approval criteria, including any applicable requirements of a road authority. Based on the criteria and the information in the record, the Planning Director shall approve or deny the application. A copy of the decision shall be provided to the applicant and kept on file at City Hall.

E. Final Decision and Effective Date. A Type I administrative decision is final for purpose of appeal when it is mailed by the City. A Type I administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

F. Appeal. A Type I administrative decision may be appealed to the Planning Commission as follows:

1. **Who May Appeal.** The following people may appeal a Type I administrative decision:
 - a. The applicant or owner of the subject property;
 - b. A person who submitted written comments on the application.
 - c.
2. **Appeal filing procedure.** A person may appeal a Type I decision by filing a Notice of Appeal according to the following procedures:
 - a. **Time for Filing.** A Notice of Appeal shall be filed with the Planning Director within 14 days of the date the Notice of Decision was mailed;
 - b. **Content of Notice of Appeal.** The Notice of Appeal shall contain:
 - 1) The City Planning file number and date the decision to be appealed was rendered;

19.1 – Types of Applications and Review Procedures – Type I (Administrative)

- 2) The name, mailing address and daytime telephone number of each appellant;
 - 3) A statement of how the appellant has standing to appeal;
 - 4) A statement of the basis for the appeal; and
 - 5) The applicable appeal fee.
3. Scope of appeal. Appeal of a Type I administrative decision shall be heard by the Planning Commission de novo and the Planning Commission shall allow any person to submit evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Final Decision by the City. The decision of the Planning Commission regarding an appeal of a Type II administrative decision is the final decision of the City. The decision of the Planning Commission on an appeal is final and effective on the date it is mailed by the City. The Planning Commission's decision may be appealed to the State Land Use Board of Appeals (LUBA).

19.1.300 TYPE II PROCEDURE (ADMINISTRATIVE)

A. Pre-application Conference. A pre-application conference is required for Type II reviews. The requirements and procedures for a pre-application conference are described in Section 19.1.610.

B. Application Requirements.

1. Application Forms. Type II applications shall be made on forms provided by the City.
2. Submittal Requirements. Type II applications shall:
 - a. Include the information requested on the application form;
 - 1) An application may be initiated only by the record property owner, contract purchaser (or a representative of the owner or purchaser), the City Manager or designee.
 - 2) Where there is more than one record owner, the City will not accept an application without signed authorization from all record owners.
 - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Section 19.2 (Land Use Review), 19.3 (Land Divisions), 19.6 (Modifications), 19.8 (Code Interpretations), and 19.9 (Miscellaneous Permits);
 - c. Address how the application complies or can be made to comply with the applicable criteria in sufficient detail for review and action;
 - d. Include the required fee;
 - e. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in this section. The records of the Clackamas County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of the application.

3. The applicant has the burden of demonstrating, with evidence that all applicable approval criteria are or can be met.

C. Notice of Application for Type II Administrative Decision.

1. The Planning Director shall provide public notice of the application not less than 14 days prior to making a Type II administrative decision, and shall accept written comments. Notice of the application shall be mailed, by first class mail, to:
 - a. All owners of record of real property within a minimum of 500 feet of the subject site;
 - b. Any City recognized neighborhood association whose territory includes the subject property;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail owner, when there is a proposed development abutting or affecting their transportation facility.
2. The purpose of the notice is to give nearby property owners and other interested parties an opportunity to submit written comments before the Type II decision is made.
3. Notice of a pending Type II administrative decision shall:
 - a. Explain the nature of the application and the proposed use or uses which would be authorized;
 - b. List the applicable criteria from the MDC and the plans that apply to the application;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - e. Include the name and telephone number of a contact person regarding the administrative decision;
 - f. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

- g. State that failure of an issue to be raised or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue;
- h. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;
- i. State that after the comment period closes, the Planning Director shall issue a Type II administrative decision, and that the decision shall be mailed to the applicant and those who submitted written comments or who are otherwise legally entitled to notice.

D. Posting of Property. The applicant is responsible for posting the property in the following manner:

- 1. City Guidance and the Applicant's Responsibility
 - a. The City shall supply all notices that an applicant is required to post on the subject property, and shall specify the dates the notices are to be posted as well as the earliest date on which they may be removed;
 - b. The City shall also provide a statement, to be signed and returned by the applicant, certifying that the notice(s) were posted at the correct time. If there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant shall extend the 120-day by that amount of time expired since the notice was sent or the problem was found and notification was sent to the applicant.
- 2. Number and Location of Postings
 - a. The applicant must place the notices on each frontage of the subject property along a public right-of-way;
 - b. If a property's frontage exceeds 600 feet, the applicant shall post one copy of the notice for each 600 feet or fraction thereof;
 - c. In the case a property's size and dimension does not meet the requirements above, the Planning Director may require additional notices to be posted;
 - d. The applicant shall remove the signs within 10 days following the event announced in the notice.

E. Administrative Decision Requirements.

1. The Planning Director shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the application.
2. The Type II Notice of Decision shall contain:
 - a. A description of the applicant’s proposal and the City’s decision on the proposal (i.e., may be a summary);
 - 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, where applicable;
 - 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.

F. Notice of Decision.

Within 5 days after the Planning Director signs the decision, Notice of a Type II Decision shall be sent by First Class mail to:

1. The applicant;
2. Any person who submits a written request to receive notice, or provides comments during the application-review period;
3. Any City-recognized neighborhood group or association whose boundaries include the site; and
4. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

F. Final Decision and Effective Date. A Type II administrative decision is final when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people may appeal a Type II administrative decision:
 - a. The applicant;
 - b. Any person who was entitled to written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal filing procedure. A person may appeal a Type II administrative decision by filing a Notice of Appeal according to the following:
 - a. Time for Filing. A notice of appeal shall be filed with the Planning Director within 14 days of the date the notice of decision was mailed;
 - b. Content of Notice of Appeal. The notice of appeal shall contain:
 - 1) The City planning file number and date the decision to be appealed was rendered;
 - 2) The name, mailing address and daytime telephone number for each appellant;
 - 3) A statement of how each appellant has an interest in the matter and standing to appeal;
 - 4) A statement of the specific grounds for appeal; and
 - 5) The applicable appeal fee.
3. Scope of appeal. The appeal of a Type II administrative decision shall be de novo. The Planning Commission shall allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Final Decision by the City. The decision of the Planning Commission regarding an appeal of a Type II administrative decision is the final decision of the City. The decision of the Planning Commission on an appeal is final and effective on the date it is mailed by the City. The Planning Commission's decision may be appealed to the Land Use Board of Appeals (LUBA).

19.1.400 TYPE III PROCEDURE (QUASI-JUDICIAL)

A. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 19.1.610.

B. Application Requirements.

1. Application forms. Type III applications shall be made on forms provided by the City. If a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, a new application is not required.
2. Submittal Information. Type III application shall:
 - a. Include the information requested on the application form;
 - 1) An application may be submitted only by the record property owner, contract purchaser (or a representative of the owner or purchaser), or the City Manager;
 - 2) Where there is more than one record owner, the City will not accept an application without signed authorization from all record owners.
 - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 19.2 (Land Use Review), 19.3 (Land Divisions), 19.6 (Modifications), 19.8 (Code Interpretations), and 19.9 (Miscellaneous Permits);
 - c. Address the criteria in sufficient detail for review and action;
 - d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in this section. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application; and
 - e. Include the appropriate application fee.

3. The applicant has the burden of demonstrating, with evidence that all applicable approval criteria are or can be met.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III application. The records of the Clackamas County Assessor's Office are the official records for determining ownership. Notice shall be mailed according to the following:
 - a. At least 20 days before the hearing date, the Planning Director shall mail notice of the application, by first class mail, to:
 - 1) All owners of record of real property within a minimum of 500 feet of the subject site;
 - 2) The applicant and all owners or contract purchasers of record of the property that is subject of the application;
 - 3) Any City recognized neighborhood association whose territory includes the subject property;
 - 4) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility.
 - 5) Any person who submits a written request to receive notice; and
 - 6) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:
 - a. Explain the nature of the application and the proposed land use or uses which would be authorized;
 - b. List the applicable criteria from the MDC and the plans that apply to the application;

- c. The street address or other easily understood geographical reference to the subject property;
 - d. State the date, time and location of the hearing;
 - e. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
 - f. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue;
 - g. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;
 - h. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing. Copies shall be provided at a reasonable cost upon request.
 - i. Include a general explanation of requirements for submission of testimony and the procedure for conduct of hearings.
- D. Posting of Property.** The applicant is responsible for posting the property in the following manner:
- 1. City Guidance and the Applicant’s Responsibility
 - a. The City shall supply all notices that an applicant is required to post on the subject property, and shall specify the dates the notices are to be posted as well as the earliest date on which they may be removed;
 - b. The City shall also provide a statement, to be signed and returned by the applicant, certifying that the notice(s) were posted at the correct time. If there is any delay in the City’s land use process caused by the applicant’s failure to correctly post the subject property for the required period of time and in the correct location, the applicant shall extend the 120-day period by that amount of time expired since the notice was sent or the problem was found and notification sent to the applicant.
 - 2. Number and Location of Postings
 - a. The applicant must place the notices on each frontage of the subject property;

- b. If a property's frontage exceeds 600 feet, the applicant shall post one copy of the notice for each 600 feet or fraction thereof;
- c. In the case a property's size and dimension does not meet the requirements above, the Planning Director may require additional notices to be posted;
- d. The applicant shall remove the signs within 10 days following the event announced in the notice.

E. Public Hearing On A Type III Application.

1. A public hearing before the Planning Commission is required for all Type III applications.
2. At the commencement of the hearing, the Planning commission shall state to those in attendance:
 - a. The applicable approval criteria and standards;
 - b. A statement that testimony and evidence shall address 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. A statement that failure to raise an issue with sufficient detail to give the Planning Commission and those in attendance an opportunity to respond to the issue, means that an appeal may not be made to the Land Use Board of Appeals (LUBA) on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The commission shall grant the request by continuing the hearing to a date certain, or by leaving the record open for additional written evidence for not less than seven days.
3. If the Planning Commission grants a continuance, the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

4. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least 7 days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission may reopen the record. If the Planning Commission reopens the record, a person may raise new issues that relate to that new evidence or testimony.
 - a. If requested by the applicant, the City shall allow the applicant at least 7 days after the record is closed to all other persons to submit final written arguments in support of the application. The applicant's final submittal shall be part of the record but may not include any new evidence.

5. Participants in the appeal of a Type II administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible therefore:
 - a. At the beginning of the public hearing,;

 - b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

 - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

 - d. If a member of the hearings body abstains or is disqualified, and there is not adequate members to form a quorum then the City shall provide a substitute in a timely manner subject to the impartiality rules in subsections 4 and 5. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.

 - e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
5. Ex Parte Communications, Bias and Conflict of Interest.
- a. At the beginning of the public hearing, members of the Planning Commission shall disclose any ex parte communications the member may have received concerning the application and the substance of the communication. Communication with City staff is not considered an ex parte communication.
 - b. A member of the Planning Commission may not participate in the deliberations and may not take any formal action on an application if the member has an actual bias or conflict of interest in the matter.
 - c. Prior to taking public testimony, the Planning Commission shall allow persons participating in the hearing to challenge the bias or conflict of interest of any member of the commission.
6. Presenting and receiving evidence.
- a. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 - b. Oral testimony will not be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing as allowed by the Planning Commission;
 - c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support a decision on the application. However, the site visit must be disclosed at the beginning of the hearing and an opportunity provided to dispute any evidence the member may have received during the visit.

F. Public Hearing on Appeal of a Type II Decision

The public hearing on appeal of Type II decision that is filed with the Planning Commission under MMC 19.1.300 shall be conducted as provided in Section 19.1.400. E. above and the decision made and issued as provided in Section 19.1.400 G. below.

G. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a Type II administrative decision or of a Type III application shall be based on standards and criteria in the development code and, when appropriate, to the comprehensive plan for the area in which the development would occur.
2. Findings and conclusions. The written decision shall be based on the evidence, testimony and arguments in the record. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts in the record.
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Hearings Body may also issue appropriate intermediate rulings when more than one permit or decision is required.
4. Decision-making time limits. A final order for any Type II administrative appeal or Type III action shall be filed with the Planning Director within 10 business days after the decision is reduced to writing and signed on behalf of the Planning Commission.
5. Notice of Decision. Written notice of a Type II administrative appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within 10 business days of the decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
6. Final Decision and Effective Date. A decision of the Planning Commission on a Type II appeal or Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to LUBA must be filed within 21 days of the City Council's written decision.

H. Appeal of a Type III Decision

1. A Type III decision may be appealed to the City Council and a public hearing conducted as as provided in this subsection.
2. A Type III decision may be appealed by:

- a. The applicant;
 - b. Any other person who participated in the proceeding before the Planning Commission.
3. A person appealing a Type III decision shall file a notice of appeal with the Planning Director within 14 days of the date notice of the decision was mailed.
- a. The notice of appeal shall contain:
 - 1) The City planning file number and date the decision was issued;
 - 2) The name, mailing address and daytime telephone number of the appellant;
 - 3) A statement of how the appellant participated in the proceedings before the Planning Commission;
 - 4) A statement of the basis for appeal; and
 - 5) The applicable appeal fee.
4. a. The public hearing on an appeal of a Type III decision shall be de novo and the City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
- c. The public hearing before the City Council shall be conducted in the same manner as the initial evidentiary hearing before the Planning Commission except that specific notice of the hearing is required to be provided only to the applicant and persons who participated in the proceedings before the Planning Commission. The notice shall be sent by first class mail not less than 10 days prior to the public hearing.
- d. Any staff report prepared for the public hearing shall be available to the public not less than seven (7) days prior to the hearing.
5. A decision by the City Council shall be based on the record and include written findings and conclusions that relates the evidence in the record to the applicable criteria in the development code and shows how each criteria is met or not met.
6. The City Council's decision on a Type III application is the City's final decision of the City. The City Council's decision is final and effective on the date it is reduced to writing and signed on behalf of the city. A copy of the decision shall be mailed to the applicant and persons who participated in the proceedings before the City Council within three (3) days of the date of the decision. The City Council's decision may be appealed to the Land Use Board of Appeals (LUBA)

as provided by law.

19.1.500 TYPE IV PROCEDURE (LEGISLATIVE)

A. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of Molalla. The requirements and procedures for a pre-application conference are described in Section 19.1.610.

B. Application Requirements.

1. Application forms. A Type IV application shall be made on forms provided by the City.
2. Submittal Information. A Type IV application shall:
 - a. Include the information requested on the application form;
 - b. Be filed with a map and one copy of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 19.2 (Land Use Review), 19.3 (Land Divisions), 19.6 (Modifications), 19.8 (Code Interpretations), and 19.9 (Miscellaneous Permits);
 - c. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards;
 - e. d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive notice of the application. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application;
 - f. The required fee.
2. The applicant has the burden of demonstrating that all applicable approval criteria are or can be met.

C. Notice of Hearing.

1. Required hearings. A minimum of 2 hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings shall be provided in the following manner:
 - a. The notice shall contain the information described in subsection C. 3. below and be mailed to:
 - 1) The owner of any property subject to the application;
 - 2) Any affected governmental agency;
 - 3) Any person who requests notice in writing;
 - 4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park;
 - 5) The owners of an airport that is the subject of a zone-change application.
 - b. Public notice shall be published in a newspaper of general circulation in the City at least 10 days before the first scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date.
 - c. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
3. Content of notices. The notice shall include the following information:
 - a. A description of the nature of the application and the proposed land use or uses that would be authorized;
 - b. The applicable criteria from the MDC and the plans that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time and location of the hearing;

- e. The name of a local government representative to contact and the telephone number where additional information may be obtained;
 - f. State that a copy of the application and all documents and other evidence submitted by or on behalf of the applicant, and applicable criteria are available for public inspection at no cost and will be provided at a reasonable cost;
4. Failure to receive notice. The failure of a person to receive notice shall not invalidate any action subsequently taken by the Planning Commission or City Council provided:
- a. Notice is provided by first class mail and was deposited with the United States Postal Service; and
 - b. Published notice was provided and deemed given on the date it is published.

D. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
- a. The presiding officer of the Planning Commission and of the City Council have the authority to:
 - 1) Regulate the course, sequence, and decorum of the hearing;
 - 2) Direct procedural requirements or similar matters; and
 - 3) Impose reasonable time limits for oral presentations.
 - b. A person may not address the Commission or the Council without:
 - 1) Receiving recognition from the presiding officer; and
 - 2) Stating the person's full name and address.
 - c. Disruptive conduct such as applause, cheering, or display of signs may be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:

- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
- b. The Planning Director's report and other applicable staff reports shall be presented;
- c. The public shall be invited to testify;
- d. The public hearing may be continued to allow additional testimony or it may be closed; and
- e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

E. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

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.

G. Approval Process and Authority.

1. The Planning Commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the application; and

- b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, which shall be filed with the Planning Director and forwarded to the City Council.
2. The City Council shall:
 - a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to the application. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
 - b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
 - c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

H. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Director. The City shall also provide notice to all persons as required by other applicable laws.

I. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance. If not approved, the decision becomes final upon mailing of the notice of decision to the applicant.

J. Record of the Public Hearing.

1. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
2. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the Planning Director to the hearings body regarding the application;
 - c. The final ordinance;
 - d. All correspondence; and
 - e. A copy of the notices that were given as required by this Chapter.

19.1.600 COMPLETENESS REVIEW AND 120 DAY RULE

- A. **Completeness Review.** Upon submission of application subject to this Chapter 19, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted.
1. The Planning Director will review the application and accompanying information to determine whether the application is complete.
 2. Within 30 days of receipt of the application, the Planning Director shall complete the initial review and send the applicant a written statement indicating whether the application is complete. If the application is incomplete, the Planning Director will indicate the information that must be submitted to make the application complete.
- B. **Application Deemed Incomplete.** Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee shall be returned to the applicant.
1. If the applicant submits the requested information within the 180-day period, the Planning Director shall again verify whether the application, as submitted and supplemented, is complete.
 2. Each such review and verification shall follow the procedure in subsection (A.2.) of this section.
- C. **Application Deemed Complete.** Once the Planning Director determines the application is complete, or the applicant refuses to submit any more information, the City shall declare the application complete and take final action on the application within 120 days of that date or such other period as provided by law.
- D. **120-Day Rule Does Not Apply.** The 120-day rule does not apply to the following:
1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver of the 120-day period.
 2. Any delay due to an incomplete set of mailing labels for the record property owners entitled to notice.
 3. An application for a permit that is not wholly within the City's authority and control.
 4. An application for an amendment to the City's Comprehensive Plan or land use regulations or an application for a permit, the approval of which depends upon a plan amendment.

- E. Complete Application Standards. Except as otherwise provided by law, the approval standards that control the City’s review and decision on a complete application are the standards that were in effect on the date the application was first submitted.
- F. Extension in Writing. An applicant may request an extension in writing of the 120-day rule.
- G. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a weekend or a legal holiday, in which event, the period runs until the end of the next day which is not a weekend or legal holiday.

19.1.610 PRE-APPLICATION CONFERENCE

- A. Purpose. The pre-application conference is to provide City staff with a summary of the applicant’s development proposal as well as an opportunity for staff to provide the applicant with information on likely impacts, requirements, approval standards, fees and other information that may affect the proposal.

- B. Prior to Submitting an Application.
 - 1. The applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal.
 - 2. The Planning Director may waive the pre-application requirements if, in the Planning Director’s opinion, the development does not warrant a pre-application conference.

- C. Pre-Application Conference.
 - 1. To schedule a pre-application conference, the applicant shall contact the Planning Director, submit the required materials, and pay the appropriate fee.
 - 2. At a minimum, an applicant shall submit a short narrative and site plan (drawn to a scale acceptable to the Planning Director) describing the proposal and identifying proposed land uses, traffic circulation, and public rights-of-way. A completed design review worksheet shall also accompany the application.
 - 3. The Planning Director shall provide the applicant a written summary of the pre-application conference.
 - 4. City staff is not authorized to waive any requirement of this code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements does not constitute a waiver by the City of any standard or requirement.

- D. Pre-Application Valid Time. A pre-application conference shall be valid for a period not to exceed 6 months from the date the first pre-application hearing is held. If an application is not filed within 6 months of the pre-application conference, the applicant must schedule and attend another pre-application meeting before the City will accept a permit application.

- E. Pre-Application Meeting. The Planning Director may require that materials are to be submitted up to 21 days prior to a pre-application meeting taking place. The applicant shall pay the appropriate fee. If the fee is unknown, staff may estimate and require additional payment or make a refund when that fee becomes known.

- F. Information provided. At the pre-application conference, the Planning Director shall:
 - 1. Cite the comprehensive plan policies and map designations applicable to the proposal;

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2. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
 3. Identify other governmental policies and regulations that relate to the application; and
 4. Reasonably identify other opportunities or constraints concerning the application.
- G. Changes in the Law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

19.1.630 PLANNING DIRECTOR’S DUTIES

A. The Planning Director shall:

1. Prepare application forms based on the criteria and standards in the development code and applicable state law, and enforce the City’s Comprehensive Plan and implementing ordinance provisions;
2. Prepare staff reports for appropriate applications that summarize the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
3. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the Planning Director shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the Planning Director shall make the staff report available to the public at least 7 days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed.;
4. Administer the hearings process;
5. File notice of the final decision in the City’s records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
6. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
7. Administer the appeals and review process.

19.1.640 AMENDED DECISIONS

- A. The purpose of the amended decision is to allow the Planning Director to correct typographical errors, correct inadvertent inclusions or omissions, and/or make other minor changes that do not materially alter the decision.
- B. The Planning Director may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
- C. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
- D. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in Chapter 19.6. All other changes to decisions that are not modifications under Chapter 19.6 follow the appeal process.

19.1.650 RE-SUBMITTAL

- A. An application that was denied may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome as determined by the Planning Director.
- B. An application that is withdrawn by the applicant prior to a final decision on the application may not be re-submitted as the same or a substantially similar proposal for the same land for a period of at least 3 months from the date the application was withdrawn.

19.1.670 CONSOLIDATED PROCEDURE

- A. An application that involves two or more procedures may be processed concurrently under the highest numbered procedure required for any part of the application.
- B. The applicant may determine whether the applications shall be processed concurrently.
- C. If the applicant elects to have the applications processed separately, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure unless otherwise determined by the Planning Director.
- D. If the applications are processed concurrently with 2 or more of the same highest numbered procedures but assigned to different hearing bodies, only the highest hearing body shall hear the application.
- E. The City Council is the highest hearing body, followed by the Planning Commission, then the Planning Director.

19.1.680 MINISTERIAL DECISIONS

Decisions that are made under standards that do not require interpretation or the exercise of policy or legal judgment are ministerial in nature and are not land use decisions subject to Title 16 through 20 and Title 22 of this code. Examples of ministerial decisions include building permits and review of final subdivision or partition plats.

19.1.700 DESIGN REVIEW BOARD NOTICE PROCEDURE

A. Notice of public hearing on an application before the Design Review Board.

1. Notice for all public hearings concerning the Design Review Board shall conform to the requirements of this subsection.
2. At least 21 days prior to the initial evidentiary hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within 500 feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property.
3. At least 20 days prior to the hearing, notice shall be sent to affected governmental entities, special districts, urban service providers, and Oregon Department of Transportation.
4. The City shall also public the notice in a newspaper of general circulation within the City at least twenty days prior to the hearing.
5. The applicant is responsible for providing five accurate and complete sets of mailing labels for these property owners and neighborhood associations.
6. Posting the subject property with the City prepared notice.
7. Notice of the application hearing shall include the following information:
 - a. Explain the nature of the application and the proposed use or uses, which could be authorized;
 - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the date, time and location of the hearing before the Design Review Board;
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue;
 - f. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;

19.1 – Types of Applications and Review Procedures – Type IV (Legislative)

- g. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria area available for inspection at no cost and will be provided at reasonable cost;
- h. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

19.1.740 CONDITIONS OF APPROVAL AND NOTICE OF DECISION

- A. The Hearings Officer, Design Review Board, Planning Commission and City Council may impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Section 16.6.200 and 16.6.300 of this code and ORS 30.315.

19.1.750 OBJECTIONS TO PROCEDURE

- A. A person who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make the objection prior to the City rendering a final decision.
- B. A procedural objection may be raised at any time prior to a final decision, after which it is deemed waived.
- C. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person’s substantive rights.

19.1.760 EXTENSION OF AN APPROVAL

- A. Planning Director’s extension:
 - 1. Prior to the expiration of an approved permit, the Planning Director may extend the permit for a period of one year, up to an aggregate period of two years.
 - 2. A request for an extension shall be reviewed by the Planning Director as a Type II decision. The person requesting the extension shall demonstrate compliance with the standards in subsection B. of this section.
- B. In order to an application for an extension under this section, the Planning Director must find that:
 - 1. The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit or that such approvals or permits are not yet required by the condition of the development.
 - 2. Further commencement of the development authorized by the permit could not practicably have occurred for reasons beyond the reasonable control of the permit holder.
 - 3. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code, the permit, or any condition thereunder.

4. There have been no changes in circumstances or the law likely to necessitate significant modifications to the development approval or conditions of approval.

19.1.780 EXPIRATION OF AN APPROVAL

- A. Unless otherwise stated in an approval decision, all quasi-judicial permit approvals, except for zoning map or Comprehensive Plan map amendments, automatically became void if any of the following events occur:
 1. Within one year of the date of the final decision, a building permit has not been issued.
 2. Within one year of the date of the final decision, the activity approved in the permit has not commenced or, in situations involving only the creation of lots or parcels, the land division has not been completed.
 3. The applicant or the applicant’s successor in interest fails to comply with one or more conditions of approval.
- B. Expiration of a permit requires a new application for any use on the subject property that is not otherwise allowed outright.
- C. Deferral of the expiration period due to appeals.
 1. If a permit decision is appealed beyond the jurisdiction of the City, the expiration period does not begin to run until review by the Land Use Board of Appeals (LUBA) and the Appellate Courts has been completed, including any remand proceedings before the City.
 2. The expiration period provided for in this section will begin to run on the date of final disposition of the case (i.e. the date when an appeal may no longer be filed).

19.1.800 AUTHORIZATION OF SIMILAR USES

- A. A use not specifically listed in the allowed uses of a district, may nonetheless be allowed if it is deemed similar in nature and impact to the uses allowed in the applicable zone. Applications for similar use determinations shall be processed using the Type II procedure.
 1. A similar use that is authorized must be similar to, or of the same type as, the uses allowed in the underlying district.
 2. This section does not allow the authorization of a use that is allowed in a different zone.

19.1.810 PERMIT REVOCATION OR MODIFICATION

- A. In the event an applicant, or the applicant’s successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the City’s approval, the City may revoke or modify the permit as provided under this section.
- B. All quasi-judicial permits may be revoked or modified if the Planning Commission determines that any of the following situations exist:
 - 1. One or more conditions of the approval have not been implemented or have been violated;
 - 2. The activities of the use, or the use itself, are substantially different from what was approved;
 - 3. The use is a nonconforming use that has substantially changed its activities or substantially increased the scope or intensity of its operations since the use became nonconforming.
- C. Revocation or modification shall be processed as a Type III decision. The City has the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant’s successor has violated the permit, applicable approval standards or conditions of approval.
- D. Possible Actions at the Revocation Hearing
 - 1. If the Planning Commission finds that the use fails to comply with a condition of approval or the actual use is substantially different from the approved use:
 - a. The Planning Commission may modify the permit. In order to modify the permit, the Commission must find that although use or development does not fully comply with the conditions of approval, the violations are not substantial enough to warrant revocation and the use can comply with the original approval criteria if certain conditions are met. The Commission may modify the existing conditions, add new conditions, or refer the case to the code enforcement officer for enforcement of the existing conditions.
 - b. The Planning Commission may revoke the permit if it finds there has been a failure to comply with conditions of approval, substantial violations of conditions of approval, a failure to implement conditions of prior land use decisions or the actual use of the site is substantially different from the approved use.
- E. If a permit is revoked, the use or development becomes illegal.
 - 1. The use or development shall be terminated within thirty days of the date of the decision maker, unless the decision provides otherwise.

2. In the event the decision maker's decision on a revocation request is appealed, the revocation action shall be stayed pending the final outcome of the appeal.

19.1.830 TRANSFER OF APPROVAL RIGHTS

- A. Unless otherwise stated in the City's permit decision, any approval granted under Titles 16 through 20 and Title 22 run with the land and are transferred with ownership of the land
- B. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

19.1.840 PERFORMANCE GUARANTEES

When required by the provisions of the Molalla Municipal Code or a land use decision, the applicant shall file a performance guarantee and a maintenance to ensure the full and faithful performance of the applicant's obligations under the code and land use decision, including the construction of any public improvements. The applicant shall ensure completion of all work for which permits are required according to the following:

- A. The applicant shall provide a surety bond executed by a surety company authorized to transact business in the State of Oregon, irrevocable letter of credit or other surety in a form approved by the City Attorney.
- B. If the applicant fails to complete any improvements required under the code or land use decision, the City shall estimate the cost of completing any required improvement, call on the bond or other surety as necessary to complete the improvement. If the amount obtained from the bond or deposit is insufficient to complete the improvement, the City may hold either the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the City.
- C. Notwithstanding Paragraphs A and B of this section, the City, in its sole discretion, may allow the applicant to submit a financial payment in lieu of actual construction of the improvement.
- D. Form of guarantee
 1. A performance or maintenance guarantee shall be in a form approved by the City Attorney, and may include an irrevocable stand-by letter of credit issued by a recognized lending institution to the benefit of the City, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the City.
 2. The guarantee shall be filed with the City Recorder after review and approval by the City Attorney. The City Attorney may consult with the Planning Director, Public Works Director, and any other City staff the City Attorney deems necessary and appropriate.

E. Amount of Guarantee

1. The amount of the performance guarantee shall be equal to at least 125% of the estimated cost of constructing the improvement in question.
2. The amount of the performance guarantee may be larger than 125% if deemed necessary by the Public Works Director.
3. The amount of a maintenance guarantee shall be determined by the Public Works Director, but in any case not less than 20% of the value of the improvement.
4. The cost estimate substantiating the value of the improvement must be provided by the applicant and supported by engineering or an architect's estimate or written estimates by three contractors with their names and addresses. The City expressly reserves the right to reject any estimates it determines are not credible or otherwise do not provide an adequate basis for determining the amount of the performance or maintenance guarantee.
5. The estimates shall separately itemize all materials, labor, and other costs.

F. Duration of the guarantee

1. A performance guarantee shall remain in effect until the improvement is substantially actually constructed and accepted by the City.
2. Once the improvement is accepted by the City, the performance surety shall be released.
3. A maintenance bond shall remain in effect for a period of not less than one year after the improvements are accepted by the City. The maintenance surety shall be release by the City after it determines, in its sole discretion, that the improvement is operating in a manner sufficient to accomplish the intended purpose and that no warranty or punch list items remain outstanding.

19.1.850 COVENANT WITH THE CITY

- A. As a condition of final approval of a quasi-judicial permit, the City may impose a requirement that the applicant execute a covenant with the City agreeing to comply with all conditions of approval.
- B. Any such covenant shall include the following elements:
 1. An agreement.
 - a. The applicant shall agree to comply with all applicable code requirements, conditions of approval and any representations made to the City by the applicant or the applicant's agents during the application review process in writing.

- b. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns.

2. Revocation

- a. If the owner fails to perform under the covenant, the City may immediately institute revocation of the approval or any other enforcement action available under state law or the Molalla Development Code.
- b. The covenant shall provide for payment of attorney fees and other costs incurred by the City in any such enforcement action.

3. Judicial Enforcement – Where the development rights of a site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.

4. Adopting the covenant:

- a. The City Attorney shall approve the form of all covenants. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval;
- b. Proof of recording shall be made prior to the issuance of any permits and filed with the Planning Department;
- c. Recording shall be at the applicant's expense;
- d. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property

19.1.860 FEES

- A. The City may adopt by resolution, and revise from time to time, a schedule of fees for for land use applications, appeals and related matters.
- B. Unless otherwise provided by state law, a fee is intended to reflect the City's actual or average cost of processing the application or conducting the appeal process and shall be credited to the general fund of the City.

C. Payment

- 1. All fees are due and payable at the time the application, appeal or other matter is submitted.
- 2. An application or appeal will not be accepted unless the proper fee is paid.

D. Refunds. Fees will only be refunded as provided in this subsection.

1. When a fee is paid for an application, which is later found to not be required, the City may refund the fee.
2. When an error is made in calculating a fee, overpayments will be refunded and underpayment will be collected from the applicant.
3. In the event an applicant withdraws an application, the Planning Department shall refund the unused portion of the fee. The Planning Department will deduct from the fee the City's actual costs incurred in processing the application prior to withdrawal.

E. Fee Waivers

1. The Planning Director may waive all or any portion of an application or appeal fee if, in the Director's sole discretion, the Director determines that an application must be resubmitted because of an error made by the City.
2. A fee or transcript payment is not required for applications or appeals filed by the City.

19.1.900 SPECIAL PROCEDURES

- A. Expedited Land Divisions.** An Expedited Land Division (“ELD”) shall be defined and may be used as provided under ORS 197.360 through 197.380.
1. Selection. An applicant who wishes to use the ELD review process for a partition or subdivision application instead of the procedure that would otherwise apply to it, must request the City follow the ELD process in writing at the time the application is filed.
 2. Review procedure. An applications for a Expedited Land Division shall comply with ORS 197.360 through 197.380, and the applicable provisions of the Molalla Comprehensive Plan and Development Code.
 2. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer for such appeals and the City Attorney is not a city employee, the City Attorney shall serve as the hearings officer for an appeal of an ELDdecision.

19.1.910 TRAFFIC IMPACT STUDIES

The purpose of this section is to assist in determining the road authorities that should participate in a land use decision, and to implement OAR 660-012-0045 (2) (e) of the State Transportation Planning Rule. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

A. When a Traffic Impact Study is Required. The City or road authority having jurisdiction over a transportation facility may require a Traffic Impact Study (TIS) as part of a land use application or a change in access. A TIS is required when a land use application involves one or more of the following:

1. A change in zoning;
2. A proposed development or land use activity that the road authority determines may create operational or safety concerns along an affected transportation facility(ies);
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 State highway by 20 percent or more;
5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
6. The location or relocation of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. For development proposing access to, or affecting a state highway, ODOT must provide traffic study scope and methodology for evaluation of highway operations.

CHAPTER 19.2 LAND USE REVIEW AND SITE DESIGN REVIEW

Sections:

- 19.2.100 PURPOSE**
- 19.2.200 APPLICABILITY**
- 19.2.300 LAND USE REVIEW PROCEDURE AND APPROVAL CRITERIA**
- 19.2.400 SITE DESIGN REVIEW – APPLICATION REVIEW PROCEDURE**
- 19.2.500 SITE DESIGN REVIEW – APPLICATION SUBMISSION REQUIREMENTS**
- 19.2.600 SITE DESIGN REVIEW - APPROVAL CRITERIA**
- 19.2.700 BONDING AND ASSURANCES**
- 19.2.800 DEVELOPMENT IN ACCORDANCE WITH PERMIT APPROVAL; MODIFICATIONS; PERMIT EXPIRATION**

19.2.100 PURPOSE

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- E. Encourage the conservation of energy resources; and
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

19.2.200 APPLICABILITY

Land Use Review or Site Design Review is required for all new developments and modifications of existing developments as further described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance are exempt from review unless a change in material or design will occur.

A. Land Use Review. Land Use Review is a review conducted by the Planning Director or designee without a public hearing (Type I or II). (See Chapter 19.1 for review procedure.) It is intended for changes in land use and developments that do not require a conditional use permit or Site Design Review. Land Use Review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of Title 17. Land Use Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Design Review.

1. Change in use from one type of land use to a different land use;
 - a. When the existing use pre-dates the proposed use by more than 12 months, it constitutes a change of occupancy.
 - b. Changes of use require a pre-application meeting with the Planning Director. Where a change of use is proposed from one outright permitted use to another, and no property improvements are required, or the intensity of the use is not substantially increased, land use review is not required.
2. Single-family detached dwelling (including manufactured home on its own lot);
3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
4. Non-residential building additions up to 500 square feet, or up to 20 percent of the existing structure, whichever is greater;
5. Minor Modifications to development approvals as defined by Chapter 19.6;
6. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit require review and approval in accordance with Chapter 19.4 - Conditional Use Permits;
7. A home occupation that requires a permit under Chapter 19.9.200;
8. A temporary use that requires a permit under Chapter 19.9.100;
9. Accessory structures and accessory parking;
10. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;
11. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the City);

12. Review of equestrian development facilities.
13. Any mobile vendor structure(s) and/or trailer(s) that will be doing business in the City for more than thirty days in a calendar year; and
14. Review of color palettes.

B. Site Design Review. Site Design Review is a discretionary review conducted by the Design Review Board with a public hearing (Type III Quasi-Judicial Review). (See Chapter 19.1 for review procedure.) It applies to all development in the City, except those specifically listed under “A” above (applications subject to Development Review). Site Design Review ensures compliance with the land use and development standards in Title 17 (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and the design standards and public improvement requirements in Title 18.

19.2.300 LAND USE REVIEW PROCEDURE AND APPROVAL CRITERIA

When Land Use Review is required, it shall be conducted prior to the issuance of building permits, occupancy permits, or public improvement permits, as determined by the Planning Director. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 19.1.200 and 19.1.300. A Type I procedure shall be used when the Planning Director finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The Planning Director shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

- A. The proposed land use or development is permitted by the underlying land use district (Title 17);
- B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Title 17); and
- C. When development is proposed, the applicable sections of Title 18, Design Standards are met.

Land Use Reviews do not address a project’s compliance with applicable building, fire and life safety regulations.

19.2.400 SITE DESIGN REVIEW – APPLICATION REVIEW PROCEDURE

Where Site Design Review is required, it shall be conducted using a Type III procedure, consistent with Section 19.1.400, and using the application requirements and approval criteria contained in Sections 19.2.500 through 19.2.600, below.

Site designs with a value greater than \$1,000,000 in value shall be reviewed and a decision made by the Design Review Board.

19.2.500 SITE DESIGN REVIEW – APPLICATION SUBMISSION REQUIREMENTS

All of the following information is required for Site Design Review application submittal:

A. General Submission Requirements. An application for Site Design Review shall contain all of the information required for a Type III review under Section 19.1.400, and also provide:

1. 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 during the required pre-application conference (Section 19.1.600(C)). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;
2. Traffic Impact Study, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 19.1.910.

B. Site Design Review Information. In addition to the general submission requirements for a Type III review (Section 19.1.400) an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the Planning Director. The Planning Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

1. Provide the number of plans referenced below:
 - a. No Design Review Board - 5 sets of plans and materials
 - b. Requires a hearing before the Design Review Board - 12 sets of plans and materials
 - c. If a project is adjacent to a State Highway, 2 additional sets of plans will be required for review by the State highway authority.

- d. The applicants shall submit a set of all drawings and material on CD in PDF format.
2. Staff may require additional sets as necessary. The applicant shall extend the 120day deadline by the period of time it takes from the official date of the request for additional copies to the time the Planning Department actually receives the additional copies.
3. Unless otherwise approved by the Planning Director, plans shall be drawn to scale.
4. All materials shall be submitted in picture format (PDF) and supplied on a CD ROM. A Fee will be charged, as set by City Council Resolution, if electronic forms are not submitted with the application and staff is requested to make the PDF.
5. Site Analysis Map and Site Plan. At a minimum the site analysis map shall contain the following:
 - a. The entire site proposed for development and surrounding properties covering an area of no less than 500 feet from the boundary of the proposed development site.
 - b. Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
 - c. Identification of slopes greater than 25 percent;
 - d. The location and width of all existing public and private streets, drives, sidewalks, pathways, rights-of-way, pedestrian/bicycle/equestrian access ways, and easements on the site and adjoining the site;
 - e. The location and width of all proposed public and private streets, drives, sidewalks, pathways, rights-of-way, pedestrian/bicycle/equestrian access ways, and easements on the site;
 - f. The location of natural hazard areas on and within 100 feet of the boundaries of the site including:
 - 1) Areas indicated on the floodplain maps as being within the 100 year floodplain.
 - 2) Areas subject to soil instability, slumping, earth flow, landslide, and erosion. Such areas may require field investigation by a geotechnical engineer geologist licensed by the State of Oregon to confirm the absence or existence of or potential for severe hazard.
 - g. Resource areas, including marsh and wetland areas, streams, and wildlife habitat areas having unique views, drainage ways, location of significant trees, canals and ditches;

- h. Site features:
 - 1) Location of pavement areas;
 - 2) Location of large rock outcroppings;
 - 3) Areas having unique views;
 - 4) Location, dimensions, and setback distances of all existing and proposed structures on the site along with the current and proposed uses of the structures;
 - 5) Location of existing and proposed utility lines;
 - 6) Site dimensions and total area of the site;
 - 7) Arrows indicating the direction of natural drainage;
 - 8) The outline of existing and proposed structures.
- i. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
- j. Service areas for uses such as mail delivery and trash disposal;
- k. The location, size and species of trees and other vegetation having a caliper (diameter) of 6 inches or greater at 4 feet above grade;
- l. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
- m. Name and address of project designer, architect, engineer, surveyor, and/or planner, if applicable;
- n. Outdoor common areas proposed as open space;
- o. The proposed location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, and utility installations;
- p. A list of existing and proposed transit facilities and stops within one-half mile in all directions;
- q. The location and type of existing neighborhood activity centers within one-quarter mile;

- r. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - s. Loading and service areas for waste disposal, loading and delivery;
 - t. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - u. Location, type, and height of outdoor lighting;
 - v. Location, sizes, and types of signs;
 - w. Other site elements that may assist in the evaluation of the application.
6. Architectural drawings and Building Plans.
- a. Architectural drawings or building plans showing one or all of the following are required for new buildings and major remodels:
 - 1) Building elevations (as determined by the Planning Director) with building height and width dimensions;
 - 2) Building materials, colors and type;
 - 3) Long blank walls shall be avoided. One way to achieve this is through modulation, defined as a measured setback or offset in a building face.
 - 4) Commercial activities within commercial buildings shall be visible from the street and pedestrian ways. This encourages visual connections between indoor and outdoor areas. Such visual connections create interest and make shopping more attractive and safe.
 - 5) Building design in the C-1, C-2, C-3, and CPA zones shall incorporate traditional building materials such as natural timbers, stone, and brick.
 - 6) Building colors shall accent, blend with, or complement surroundings and meet the color palette requirements that may exist.
 - 7) Structures shall be located and constructed in order to promote passive energy conservation.
 - b. The siting, construction and design of buildings and other improvements shall protect natural and cultural resources identified by the Comprehensive Plan:

- c. Stock building plans may not be acceptable. The merit of the particular design shall be judged on its compliance with the applicable criteria. A building design is not acceptable solely on the basis that it is the only design the applicant has or that it is based on material image. When a building plan is submitted, the Planning Director will review the plan and may require architectural drawings consistent with this section.
- d. Remodeling work on historical buildings shall not destroy the distinguishing character of the property and its environment.
- e. Commercial buildings located in predominantly residential areas should imitate building setbacks and front yard landscaping patterns established by the residential uses.
- f. The entrance to service bays, for automotive service stations, shall not be open to the street and shall be designed to face the rear or interior side property lines;
- g. All outdoor storage areas, garbage collection, exterior vents, mechanical devices and noise-generating equipment areas shall be screened by sight obscuring fencing to compliment the existing structure or by vegetation located away from abutting residential development;
- h. The planes of exterior walls shall not run in one continuous direction for more than 60 feet without an offsets or setback;
- i. Positive methods to achieve distinctive entries include:
 - a) Changes in colors and materials;
 - b) Placement of windows;
 - c) Use of awnings and canopies;
 - d) Architectural details and features such as cornices;
 - e) Setbacks and offsets.
- j. All newly created or remodeled outdoor storage areas, garbage collection, exterior vents and mechanical devices and noise-generating equipment shall be screened by sight obscuring fencing to compliment the existing structure or by vegetation located away from abutting residential development.
- k. Ground level outdoor enclosures shall be composed of materials similar to the main structure;

1. Outdoor mechanical equipment shall be screened from view. The method of screening shall be architecturally integrated with the building with respect to materials, color, shape, and size.
7. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites ½ acre or larger. 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 Chapter 18.5.
8. Landscape Plan. A landscape plan may be required and at the direction of the Planning Director. The Landscaping Plan shall show the following:
 - 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;
 - f. Other information as deemed appropriate by the Planning Director. An arborist's report may be required for sites with mature trees that are protected under Chapter 18.2. Landscape, Street Trees, Fences and Walls of this Code.
9. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 18.6).
10. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.
11. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 19.2.600 Approval Criteria.
12. Traffic Impact Study. When required, a traffic study shall be prepared in accordance with the requirements of the affected road authority. See Section 19.1.910, and Chapter 18.3 and 18.4 for relevant standards.

13. Other information determined by the Planning Director. The Planning Director, in the Director's sole discretion, may require other studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

19.2.600 SITE DESIGN REVIEW - APPROVAL CRITERIA

The City review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 19.1 - Types of Applications and Section 19.2.500.
2. The application complies with all of the applicable provisions of the underlying Land Use District (Title 17), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
3. The applicant will upgrade to current standards any development on the site that does not comply with the applicable land use district standards;
4. The application complies with all of the Design Standards in Title 18, including:
 - a. Chapter 18.1 - Access and Circulation;
 - b. Chapter 18.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
 - c. Chapter 18.3 - Parking and Loading, for automobiles and bicycles;
 - d. Chapter 18.4 - Public Facilities and Franchise Utilities;
 - e. Chapter 18.5 - Surface Water Management;
 - f. Chapter 18.6 - Other Standards, as applicable.
 - g. Section 19.1.910 – Traffic Studies
5. Existing conditions of approval required as part of a prior Land Division (Chapter 19.3), Conditional Use Permit (Chapter 19.4), Master Planned Development (Chapter 19.5) or other approval have been or will be met.

19.2.700 LANDSCAPING ASSURANCES

- A. **Completion of Landscape Installation.** Landscaping shall be installed prior to issuance of occupancy permits, unless a performance surety equal to the cost of the landscaping as determined by the Planning Director is filed with the Planning Director assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the 6 month period, the security may be used by the City to complete the installation.

- B. The developer shall ensure a 90-percent survival rate for all landscaping for a period of two-years following installation. The City may withhold from the performance surety an amount equal to 25 percent of the surety for a period of up to two (2) years to be used to replace dead or dying landscaping or otherwise ensure the 90-percent survival rate is achieved.

19.2.800 DEVELOPMENT IN ACCORDANCE WITH PERMIT APPROVAL; MODIFICATIONS; PERMIT EXPIRATION

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. 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 the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Sections 19.1.840 and 19.2.700. Development Review and Site Design Review approvals are subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Chapter 19.6, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in Chapter 19.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 19.1. For Modifications approval criteria, please refer to Chapter 19.6.
- B. Approval Period.** Development Review, Land Use Review and Site Design Review approvals are effective for a period of one year from the date of approval. The approval will 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.
- C. Extension.** The Planning Commission may, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:
1. No changes are made on the original approved site design review plan;
 2. The applicant the ability to initiate 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 expired plan does not comply with those changes, then the extension shall not be granted, in which case a new site design review is 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.

D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 19.1.840. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 19.6).

CHAPTER 19.3 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

SECTIONS:

- 19.3.100 PURPOSE**
- 19.3.110 GENERAL REQUIREMENTS**
- 19.3.112 PRE-PLANNING FOR LARGE SITES**
- 19.3.115 FLEXIBLE LOT SIZE; FLAG LOTS; LOTS ACCESSED BY MID-BLOCK LANES**
- 19.3.200 PRELIMINARY PLAT APPROVAL PROCESS**
- 19.3.210 PRELIMINARY PLAT SUBMISSION REQUIREMENTS**
- 19.3.220 BUILDING PLAN LAYOUT THROUGHOUT SUBDIVISION**
- 19.3.230 APPROVAL CRITERIA**
- 19.3.250 VARIANCES**
- 19.3.300 PARTITION APPROVAL PROCESS**
- 19.3.310 PARTITION PLAT SUBMISSION REQUIREMENTS**
- 19.3.320 APPROVAL CRITERIA**
- 19.3.350 VARIANCES AUTHORIZED**
- 19.3.400 RE-PLATTING AND VACATION OF PLATS**
- 19.3.500 FINAL PLAT SUBMITTED REQUIREMENTS AND APPROVAL CRITERIA**
- 19.3.510 PUBLIC IMPROVEMENTS REQUIRED**
- 19.3.520 PERFORMANCE GAURANTEE**
- 19.3.530 FILING AND RECORDING**
- 19.3.600 PROPERTY LINE ADJUSTMENT**
- 19.3.700 CONDOMINIUM DEVELOPMENT OF 6 OR FEWER UNITS**

19.3.100 PURPOSE

The purpose of this chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments, as defined below and in Chapter 16.3:

1. Subdivisions are the creation of four or more lots from one lot or parcel within one calendar year.
2. Partitions are the creation of three or fewer lots from one lot or parcel within one calendar year.
3. A property line adjustment is the modification or elimination of a lot line or parcel boundary that does not result in the creation of a new lot or parcel. A property line adjustment includes the consolidation of two lot or parcels).

B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.

- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- G. Encourage the conservation of energy resources.

19.3.110 GENERAL REQUIREMENTS

A. For purposes of this Chapter 19:

1. Subdivisions are the creation of four or more lots from one lot or parcel within one calendar year.
2. Partitions are the creation of three or fewer lots from one lot or parcel within one calendar year.
3. A property line adjustment is the modification or elimination of a lot line or parcel boundary that does not result in the creation of a new lot or parcel. A property line adjustment includes the consolidation of two lot or parcels).

B. 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.

C. Compliance With ORS Chapter 92. All subdivision and partition proposals shall conform to Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

D. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of Title 17;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

- E. Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Chapter 19.9.100, Temporary Uses.
- F. Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program (NFIP) and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.
- G. Determination of Base Flood Elevation.** Where a development site consists of 5 or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation mapped and it shall be prepared by a qualified professional as part of the land division application.
- H. Need for Adequate Utilities.** All lots and parcels created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.
- I. Need for 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 as a condition of approval.
- J. Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to identified flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City’s adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development’s impact to the park and/or trail system, or stormwater management requirements, consistent with Chapter 18.4.200 and 18.4.400, and assist in obtaining any floodplain permit that may be required.

19.3.112 PRE-PLANNING FOR LARGE SITES

- A. Purpose.** The purpose of this Section is to require pre-planning of large sites (i.e., in conjunction with annexation or prior to subdivision approval) and ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
- B. Applicability.** This Section applies to parcels, and development sites with more than one parcel in Residential District(s) that are 40 acres or larger.
- C. Area plan required.** Prior to annexation and land division approval, a specific area plan shall be prepared for all sites meeting the criteria in subsection D.
- D. Land use and design standards.** The specific area plan required under subsection C, above, shall be consistent with the following design criteria:
1. All neighborhoods have identifiable centers and outer boundaries;
 2. Edge lots are readily accessible to neighborhood commercial and recreational uses by walking and bicycling;
 3. Uses and housing types are mixed as outlined in the zoning district;
 4. Streets are connected and blocks are walkable in scale (e.g., 200-600 feet in length, with an average perimeter no greater than 1,400 feet), except where topography, existing development, or other physical features require longer blocks;
 5. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.), and scenic viewing points are given prominent sites throughout the neighborhood;
 6. Identify the requirements to be met in master plans for Parks, Emergency Services, and Schools;
 7. Overall, the master plan achieves a housing density that is consistent with the Comprehensive Plan.; and
 8. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the Comprehensive Plan.

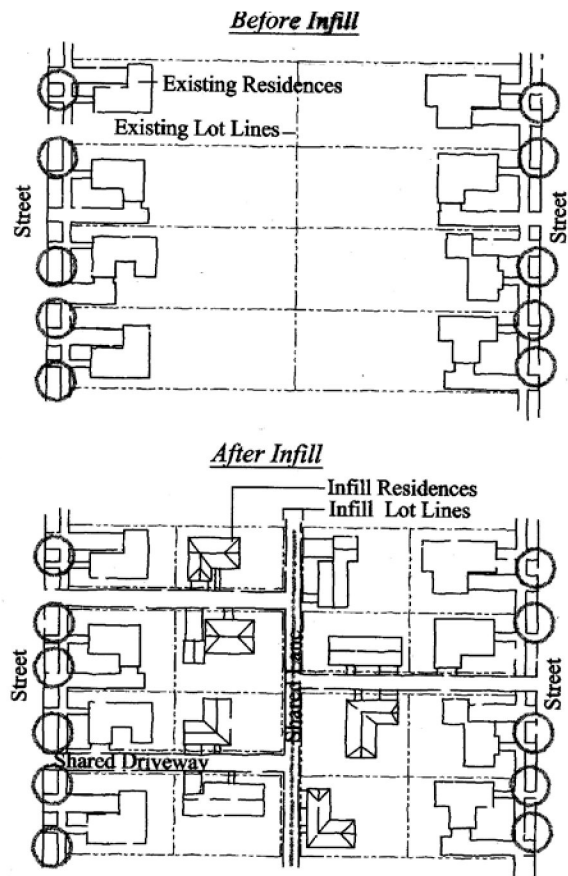
E. Implementation. Upon approval of a plan under the provisions of Chapter 19.3.112, the processing of development proposals shall follow the Land Division procedures in Chapter 19.3, and the Land Use Review and/or Site Design Review procedures in Chapter 19.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in Chapter 19.6 - Modifications.

19.3.115 FLEXIBLE LOT SIZE; FLAG LOTS; LOTS ACCESSED BY MID-BLOCK LANES

A. Flexible Lot Size. To allow creativity and 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 10 percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 17.2.130, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that granting the modification allows for a greater variety of housing types or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 25,000 square feet.

B. Mid-block lanes. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown below. Mid-block lanes or shared driveways, as illustrated in Figure 19.3.115(B), may be required when practicable to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for alleys, per Chapter 18.4.100, and the standards under subsections C-F, below.

Figure 4.3.115B - Mid-block Infill



- C. Flag lots.** Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than 2 dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be 4. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. 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).
- D. Driveway and lane width.** Driveway widths shall meet the standards of Chapter 21.02.
- E. Easement and improvement of drive lane.** The property owner shall record a 20-foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.
- F. Maximum drive lane length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, unless approved by the Molalla Fire Department at which time access can be extended up to 400 feet for a shared rear lane.
- G. Future street plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (*i.e.*, as shown in the Figure 19.3.115.B).

19.3.200 PRELIMINARY PLAT APPROVAL PROCESS

- A. Review of Preliminary Plat.** Review of a partition plat shall be processed using the Type III procedure under Chapter 19.1.400. All preliminary plats shall be reviewed using approval criteria in Chapter 19.3.200. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 19.5.
- 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 within the two year period.
- 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 19.6 - Modifications. The Planning director may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
1. Any changes to the preliminary plat follow the procedures in Chapter 19.6;
 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 is required; and
 5. The extension request is made before expiration of the original approved plan.
- D. Phased Development.**
1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 4 years without reapplying for a preliminary plat;
 2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;

- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 19.2.700. A temporary public facility is any facility not constructed to the applicable City or district standard;
- c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.

19.3.210 PRELIMINARY PLAT SUBMISSION REQUIREMENTS

A. General Submission Requirements. A subdivision application shall contain all of the information required for a Type III procedure under Chapter 19.1.400, and the information in subsections 1-3, below:

- 1. 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 during the required pre-application conference (Chapter 19.1.610). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;
- 2. Traffic Impact Study, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Chapter 19.1.910;
- 3. Plans shall be drawn to a scale of not less than one inch equals 50 feet nor greater than one inch equals 200 feet; and
- 4. All plans shall be submitted in electronic (pdf) format. The City may charge a fee to transfer from paper to electronic format as set by City Council resolution.

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 the following information:

1. General information:

- a. Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in Clackamas County and shall be approved by the Clackamas County Surveyor;
- b. Date, north arrow, and scale of drawing;
- c. Appropriate identification clearly stating the map is a Preliminary Plat.
- d. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and
- f. Total acreage of proposed development.
- g. Description of the particular page.

2. Site analysis:

- a. Streets. Location, name, 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 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 18.7 and relevant portions of the Comprehensive Plan.);
 - h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
 - j. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 18.2;
 - k. Existing zoning of the property;
 - l. Scaled location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed including the dimension between the buildings on site and proposed property lines along with the approximate location of buildings;
 - m. The location and disposition of any wells, creeks, drainage courses, which may be found on the most recently published U.S. Geological Survey maps. Wetlands identified on the State Wetland Inventory, detention facilities, drainage ways, septic tanks, drain fields, and easements in or adjacent to the proposed subdivision;
 - n. The location of the Urban Growth Boundary, if within 1,000 feet;
 - o. Adjacent property boundaries and abutting land uses; and
 - p. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
3. Proposed Improvements:
- a. Public and private streets, tracts, driveways, open space and park land; 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 to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;
- e. Proposed improvements, as required by Title 18 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.
- g. The proposed source of domestic water;
- h. The proposed method of sewage disposal;
- i. Proposed method of surface water drainage and treatment if required;
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- k. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s). If the rail line is inactive then no contact is necessary unless the development is adjacent to the rail line;
- l. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- m. Identification of the base flood elevation for development of more than 3 lots or 1 acre, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval;
- n. A detailed plan or map of the proposed subdivision, drawn to scale. For subdivisions of 50 acres or more, the Planning Director may authorize a smaller scale where an entire subdivision cannot be shown on a single sheet. The detailed plan shall clearly show the following information:
 - 1) North arrow;
 - 2) Lot layout with approximate dimensions and square footage contained in each lot;

- 3) Topography maps certified by the engineer or surveyor within the proposed subdivision related to some established benchmark or other datum as approved by the Planning Director;
- 4) A geotechnical investigation report which shows the following:
 - a) Slope stability studies;
 - b) On-site grading, cutting, and filling;
 - c) Structural foundation requirements;
 - d) Surface and subsurface drainage recommendations;
 - e) Erosion vulnerability;
 - f) Building or grading limitations, including top of slope offsets and areas restricted for site grading;
- o. Projects meeting all of the following criteria are exempt from the requirement of (n) above.
 - 1) Construction value of the project is \$150,000 or less;
 - 2) The project will not involve the import, export, and/or on-site movement of more than 50 cubic yards of earth;
 - 3) There is no evidence of any previous fill on the site to a depth exceeding one foot;
 - 4) The project does not include proposed fill on the site to a depth exceeding one foot; and
 - 5) No portion of the site has a slope in excess of 10 percent.
- p. Street profile within 100 feet of any point where the street grade is proposed to be greater than 6% or the overall topography of the land is greater than 10%;
- q. Obtain certification from the Director of Public Works, on forms provided by the City, that the following are available to the site:
 - 1) Municipal water with sufficient volume and pressure to serve the proposed development;
 - 2) Sanitary sewer with sufficient treatment plant capacity and line capacity to serve the proposed development;

- 3) Storm sewer with sufficient line capacity to adequately provide necessary drainage;
 - 4) Preliminary storm detention plan;
 - 5) If any of these certifications cannot be made because the utilities cannot be provided at the property boundary, the Director of Public Works shall state on the form whether the utilities could be provided by extension or replacement of existing lines or construction of pumping stations and will provide an estimate of the cost of the extension, replacement, or the pump station costs. A signed statement by the developer that it is his/her intent to advance the funds necessary for the required extension, replacement or pump station will be acceptable in conjunction with the Director of Public Works statements' to serve in lieu of a full certification. If certification or statement in lieu of certification cannot be given due to lack of utilities, further processing of the proposed subdivision may proceed only when the developer furnishes a statement acknowledging his/her full realization that no development of the tract may proceed until utilities are available and that no time schedule for their availability currently exists.
- r. A statement from the property owner that no underground storage facilities exist and no known past or present DEQ issues exist on the properties.
 - s. Evidence of contact with the road authority for any development requiring access to its facility(ies); and
 - t. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 18.7.
4. Explanatory Information Required.
- a. Proposed deed restrictions in outline form;
 - b. Improvements to be requested of the City and the approximate time such request will be made along with the approximate costs and date of completion of such improvements;
 - c. Improvements to be made by the developer and the approximate time such improvements are to be completed;
 - 1) Sufficient detail regarding proposed improvements shall be submitted for review of compliance with the objectives of City ordinances as well as state and federal laws;

- 2) If the nature of the improvements are such that it is impractical to prepare necessary details prior to approval of the preliminary plat then additional detail shall be submitted at least 30 days prior to the request for approval of the final plat.
 - 3) Agreements on any recommended changes shall be obtained prior to approval of the final plat
- d. An analysis of existing traffic flows projected as a result of the subdivision;
 - e. The location and method of operation of required storm water detention facilities;
 - f. The location of required parks and recreation facilities consistent with MDC 17.60.700;
 - g. An analysis of the effects of the subdivision on the provision of other services, including, but not limited to, police, fire, water, sewer, and storm drainage;
 - h. Other public ways, sidewalks, bicycle routes, bikeways, pedestrian/bicycle/equestrian accessways and other pedestrian and bicycle connections;
 - i. Transit streets, facilities and stops, if any;
 - j. Neighborhood activity centers;
 - k. Any other information deemed necessary by the Planning Director and/or the Director of Public Works.

19.3.220 BUILDING PLAN LAYOUT THROUGHOUT SUBDIVISIONS

- A. There shall be a minimum change of 5% in all wall structures (size, shape, and special arrangement) within 4 houses in any direction of a subdivision. This shall be in place throughout the subdivision and not just in phases of the subdivision.
 1. The builder shall supply staff with a series of plan types and numbers to be used throughout the subdivision. This requirement allows the Planning Department the ability to review plan types ahead of time. New building types shall be allowed as long as they meet the requirements of this code;
 2. Where such plans as mentioned above do not exist, the developer shall reference each lot by number. This reference number should relate to a specific plan that will become available at the time materials are submitted with a building permit application and shall adhere to the minimum variability requirements of this code.

19.3.230 APPROVAL CRITERIA

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Title, and the applicable chapters of Title 17 (Land Use Districts) and Title 18 (Design Standards) apply. Where a variance, annexation, or zone change is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Title 20;
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat;
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
6. Meet the requirements of Section 19.1.910- Traffic Studies
7. 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
8. If any part of the site is located within a Specific Area Plan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Title 17), and the standards of Chapter 18.1.200 - Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use district (Title 17).

3. Each lot shall conform to the standards of Title 18.1 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Title 17 - Land Use Districts, and Chapter 18.2 - Landscaping.
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 18.1- Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, to offset any impacts of the development, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 18.4 (Public Facilities).

19.3.250 VARIANCES AUTHORIZED

Variations to the standards of this Chapter shall be processed in accordance with Chapter 20.1 - Variations. An application for a variance shall be submitted at the same time an application for land division or property line adjustment is submitted, and the applications shall be reviewed together.

19.3.300 PARTITION APPROVAL PROCESS

- A. Review of Preliminary Plat.** Review of a partition shall be processed with a Type II procedure, under Chapter 19.1.300.
- B. Partition Approval Period.** Partition approval shall be effective for a period of two years from the date of approval. The partition shall lapse if a final plat has not been submitted within the two-year period.
- C. Modifications and Extensions.** The applicant may request changes to the approved partition or conditions of approval following the procedures and criteria provided in Chapter 19.6 - Modifications. The Planning Director may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
1. Any changes to the preliminary plat follow the procedures in Chapter 19.6;
 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 is required; and
 5. The extension request is made before expiration of the original approved plan.

19.3.310 PARTITION PLAT SUBMISSION REQUIREMENTS

A. General Submission Requirements. For a partition, the application shall contain all of the information required for a Type II procedure under Chapter 19.1.300, and the information described in Section B below.

1. The application shall include a partition plan drawn to a scale of not less than one inch equals 50 feet nor greater than one inch equals 200 feet; and
2. All plans shall be submitted in electronic (pdf) format. The City may charge a fee to transfer from paper to electronic format as set by City Council resolution.

B. Partition Information. In addition to the general information described in subsection A above, a partition application shall include drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:
 - a. Proposed partition name.
 - 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. Total square footage of the proposed development.
 - e. The application shall include a tentative plan drawn to a scale of not less than 1" = 20', nor more than 1" = 200', and containing the following information:
 - 1) The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned and its location in the planning control area;
 - 2) Name and address of the record owner and the person who prepared the map;
 - 3) Approximate acreage of the parcel under a single ownership or, if more than one owner is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
 - 4) For land adjacent to and within the partition to be partitioned, the location, width and names of all streets, location and size of sewers, water lines, drainage ways and power poles;
 - 5) Outline and location of existing buildings to remain in place;

- 6) Outline and location of existing buildings to be removed;
- 7) Lot layout showing size and relationship to existing or proposed streets and utility easements;

2. Site analysis:

- a. Streets: Location, name, 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 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
- e. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- f. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 18.7 and relevant portions of the Comprehensive Plan.);
- g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- h. Designated historic and cultural resources on the site and adjacent parcels or lots;
- i. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 18.2;
- j. Name and address of project designer, if applicable; and
- k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; 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 to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;
- e. Proposed improvements, as required by Title 18 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- h. Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district;
- i. The proposed source of domestic water;
- j. The proposed method of sewage disposal;
- k. Proposed method of surface water drainage and treatment if required;
- l. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- m. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);
- n. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- o. Identification of the base flood elevation for development of more than 2 lots or $\frac{1}{2}$ acre, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval;

- p. Evidence of contact with from the road authority for any development requiring access to its facility(ies); and
- q. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 18.7.

19.3.320 APPROVAL CRITERIA

A. General Approval Criteria. The City may approve, approve with conditions or deny a partition based on the following approval criteria:

1. The proposed partition complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Title, and the applicable chapters and sections of Title 17 (Land Use Districts) and Title 18 (Design Standards) shall apply. Where a variance is necessary to receive partition approval, the application shall also comply with the relevant sections of Title 20;
2. The proposed plat name is not already recorded for another partition, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat;
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
6. 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
7. If any part of the site is located within a Specific Area Plan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

C. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more parcels bound by public streets) parcels conform to the specific requirements below:

1. All parcels shall comply with the parcel size, setback, and dimensional requirements of the applicable land use district (Title 17), and the standards of Chapter 18.1.200. - Street Connectivity and Formation of Blocks;
2. Setbacks shall be as required by the applicable land use district (Title 17);
3. Each parcel shall conform to the standards of Chapter 18.1 - Access and Circulation;

4. Landscape or other screening may be required to maintain privacy for abutting uses. See Title 17 - Land Use Districts, and Chapter 18.2 – Landscaping;
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 18.1- Access and Circulation;
6. Where a common drive is to be provided to serve more than one parcel, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition plat;
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

D. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 18.4 (Public Facilities).

19.3.350 VARIANCES AUTHORIZED

Variations to the standards of this Chapter shall be processed in accordance with Chapter 20.1 - Variations. An application for a variance shall be submitted at the same time the application for land division is submitted, and the applications shall be reviewed together.

19.3.400 RE-PLATTING AND VACATION OF PLATS

- A. Re-platting and Vacations.** Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners of record.
- B. Procedure.** All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 19.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.
- C. Basis for Denial.** A re-plat or vacation application may be denied if it abridges, inhibits or destroys any public right in any of its public uses, improvements, streets or alleys, or if it fails to meet any applicable criteria.
- D. Recording of Vacations.** All approved plat vacations shall be recorded in accordance with 19.3.190 and the following procedures:
1. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.
- E. After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- F. Street Requirement.** Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), in approving a right-of-way vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

19.3.500 FINAL PLAT SUBMISSION REQUIREMENTS AND APPROVAL CRITERIA

- A. Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with Clackamas County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 19.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Director.
- B. Approval Criteria.** By means of a Type I procedure, the Planning Director and Public Works Director/City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
 2. The City has received adequate assurances that the subdivider or partitioner has agreed to make all public improvements which are required as conditions of approval of the tentative plan, including, but not limited to; streets, alleys, pedestrian ways, storm drainage, sewer water systems and parks. The following constitute acceptable adequate assurances:
 - a. Certification by the Public Works Director/City Engineer that all required public improvements are completed and approved.
 - b. An improvement agreement between the City and the developer, executed and file with the City. The agreement shall be accompanied by a performance guarantee as specified by the City. Upon the developer's request, the agreement may be extended for an additional 6 months if the performance guarantees are modified to reflect any change in cost of construction. The agreement shall state that all improvements completed within the term of the agreement or its extension shall be completed by the City at the expense of the developer. The City shall estimate the cost of completing the work, call upon the bond or deposit for funds necessary to cover the cost, and complete the improvement(s) from funds collected under the performance guarantee. If the funds collected under the performance guarantee are not sufficient to install the required improvement(s), the city may either hold the collected funds until additional funds are authorized for the improvements(s) or expend the collected funds on a revised improvement(s) or on a portion of the improvement(s) as determined reasonable by the Director of Public Works.
 - c. If the Planning Director finds that the conditions specified in subsection (2.b) of this section have not been met, the Director shall advise the applicant of the changes that must be made and afford the applicant an opportunity to comply. Rejection of a final plat shall not affect tentative plan approval.

- d. When the Planning Director finds that the final plat is in substantial conformity to the approved tentative plan and is otherwise in lawful form the Director shall so endorse the plat.
 - e. Final plat approval is not a land use decision subject to review by the Land Use Board of Appeals.
 - f. The Planning Director shall determine that the final plat conforms with the preliminary plat as approved or has met applicable conditions if approved conditionally, the requirements of this Ordinance have been met, and the final plat includes the signature of the Public Works Director/City Engineer, whose signature shall certify the platting laws of this State have been met. Approval of the Final Plan shall be evidenced by the signature of the Planning Director and the Public Works Director/City Engineer with the date of such approval. If the final plat is disapproved, the Planning Director shall enter findings of fact stating the basis of disapproval. The applicant may then either submit a new plat for consideration or appeal the decision as provided in Chapter 19.1.
 - g. Following approval by the Hearing Body the Planning Director shall notify the applicant that the final plat has been approved by the City. The applicant shall deliver the Final Plat to the City's surveyor. Once approved by the City's surveyor the applicant shall deliver the Final Plat to the County Surveyor if different from the City surveyor for the purpose of conducting the plat check in conformance with O.R.S. Chapter 92, and subsequent processing by Clackamas County to result in recording of the plat.
 - h. Performance guarantees shall meet the requirements in accordance with Chapter 19.3.520;
3. The plat contains, free and clear of all liens and encumbrances, a donation to the public of all common improvements, including but not limited to; streets, roads, sewage disposal, water supply systems, and public parks – the donation of which is required by this chapter or was made a condition of the approval of the tentative plan;
 4. Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat;
 5. All deeded areas shown on the tentative plan or required conditions of the tentative plan approval have been met and deeded to the City of Molalla;
 6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 18.4 - Public Facilities, and the bond requirements of Section 19.3.520. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
9. 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 such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

19.3.510 PUBLIC IMPROVEMENTS REQUIRED

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the applicant shall provide a performance guarantee, in accordance with Chapter 19.1.840.

19.3.520 PERFORMANCE GUARANTEE

- A. Performance Guarantee Required.** When a performance guarantee is required, developer shall file an assurance of performance with the City as described in Section 19.1.840. The performance guarantee may include one or more of the following as determined by the City:
1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 3. Cash.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses and an adequate reserve.
- C. Itemized Improvement Estimate.** The developer 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. When Subdivider Fails to Perform.** Consistent with the provisions of Section 19.1.840, in the event the developer fails to carry out all of the conditions of approval regarding the design, construction and maintenance of public improvements, 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.
- E. Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

19.3.530 FILING AND RECORDING

- A. Filing Plat with County.** Within 60 days of the 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 5 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 or parcels.

C. Prerequisites to Recording the Plat.

1. A plat shall not 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. A plat shall not be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

D. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Section 19.1.200, using the approval criteria in Section 19.3.160. Review of a final plat is not a land use decision subject to review by the Land Use Board of Appeals.

19.3.600 PROPERTY LINE ADJUSTMENTS

A Property Line Adjustment is the modification of lot or parcel boundaries, when a new lot or parcel is not created or removed. The application submission and approval process is as follows:

A. Submission Requirements. An application for a Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type II application, as governed by Section 19.1.300. 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 sensitive lands and significant vegetation; existing fences and walls; and any other information deemed necessary by the Planning Director or designee for ensuring compliance with City codes.

1. Each application shall be accompanied by a tentative plan drawn to scale of not less than 1":20', nor more than 1":200', and containing at least the following:
 - a. Complete names, addresses and phone numbers of the owners of the properties to be adjusted;
 - b. A description of the affected properties by quarter section, tax lot numbers, addresses and lot area;
 - c. A description of the property to be transferred, including dimensions and size in square feet or acres;
 - d. Identification arrows showing the land to be transferred;
 - e. North arrow;
 - f. All adjacent roads, noting whether public or private, including name and road width;
 - g. Zoning of affected properties;
 - h. All existing structures on the tracts and their setbacks to property lines, with notations as to whether property lines referred to are existing or proposed;
 - i. Location of any septic tanks and drain fields;
 - j. The location of any natural drainage ways, streams, wetlands, escarpments, slopes of 40 percent or greater, outcroppings, or other significant natural features of the tracts;

- k. Other pending applications, including building permits, on the subject tracts;
- l. All easements, including widths and types, labeled as existing or proposed noting the use and which properties they serve; and
- m. A copy of the unsigned deed describing the proposed adjustment.

B. Approval Process.

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type II procedure, as governed by Section 19.1.300. Affected road authority(ies) shall be notified of lot line adjustments that may affect property access or traffic volumes or operations on their facilities.
2. Time limit on approval. Approval of a property line adjustment is effective for a period of one (1) year from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The property line adjustment approval shall lapse if:
 - a. The property line adjustment is not recorded within one year;
 - b. The property line adjustment has been improperly recorded with Clackamas County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Planning Director or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation. An additional parcel or lot is not created or removed by the lot line adjustment;
2. Lot standards. All subject lots and parcels conform to the applicable standards of the land use district (Title 17) including lot area, dimensions, setbacks, and coverage, and a resulting lot or parcel is not wholly comprised of a flood hazard area or jurisdictional wetland;
3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 18.1 – 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;

D. 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 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 the issuance of any building permits on the re-configured lots.

D. Extension.

Upon written request by the applicant and payment of the required fee, the City may grant a written extension of a property line adjustment approval for a period not to exceed one year provided that:

1. No changes are made to the original property line adjustment as approved by the City;
2. The applicant can show intent of recording the approved plan within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the originally-approved permit.

19.3.700 CONDOMINIUM DEVELOPMENT OF 6 OR FEWER UNITS

- 19.3.710 Generally
- 19.3.720 Standards Generally
- 19.3.730 Review by Planning Director
- 19.3.740 Responsibilities of Applicant
- 19.3.750 Conversion to Condominium

19.3.710 GENERALLY

Because the construction of small condominium projects are not expected to have and adverse impact on the appropriate growth and development of the city, the regulations set out in this chapter apply to projects involving 6 or fewer units on a single lot or parcel.

19.3.720 STANDARDS GENERALLY

1. All utilities shall be separated on a unit-to-unit basis, except in cases where the units are to be in multi-story structures where some of the units will not have ground floors, in which case the utilities shall be separated as much as possible from one unit to the next. The developer shall present plans for utility separation to the City Engineer, PGE, Molalla Telephone Company, and if appropriate Northwest Natural Gas.
2. The applicant is responsible for compliance with all applicable city, county and state regulations governing the construction, platting and sale of condominium units.
3. Improvement requirements for small condominium projects are the same as those that would be required for a subdivision of the property. These include:
 - A. Curb, gutter and sidewalk construction to city standards;
 - B. Installation and extension of utilities;
 - C. Street improvements adjacent to site;
 - D. Dedication of right-of-way sufficient to allow for the widening or expansion of the street;
 - E. Filing of a waiver of the right to remonstrate against any future public facility or utility improvements which would benefit the property.

19.3.730 REVIEW BY PLANNING DIRECTOR

1. The Planning Director shall review the information submitted by the applicant and shall determine whether it meets the requirements of the development code and other applicable ordinances. Upon completion of this review, the Planning Director shall

notify the applicant in writing of the required conditions to be met prior to sale or occupancy of the units.

2. If modifications to the project are necessary to assure compliance with the applicable regulations, the Planning Director shall notify the applicant of such modifications.
3. Included with the written notification from the Planning Director will be one copy of the proposed plot plan labeled "tentatively approved," or "tentatively denied" and making any modification or correction which may be necessary.

19.3.740 RESPONSIBILITIES OF APPLICANT

1. The applicant is responsible for compliance with all applicable requirements prior to sale or occupancy of the units.
2. The applicant shall file with the Planning Director a reproducible copy (Mylar or sepia) of the recorded plat of the development.
3. The developer must provide the City with a copy of the by-laws of the owners' association and any contracts, covenants, restrictions or waivers of remonstrance recorded for the property along with the copy of the recorded plat.

19.3.750 CONVERSION TO CONDOMINIUM

A proposal to convert an existing rental or leased property to condominium ownership shall comply with the requirements of section Chapter 19.3, regardless of the number of units involved. Applicants intending to utilize the provisions of this chapter must file the appropriate application and receive written approval from the Planning Director prior to receipt of a certificate of occupancy for the units.

CHAPTER 19.4 CONDITIONAL USE PERMITS

SECTIONS:

19.4.100 PURPOSE

19.4.200 APPROVALS PROCESS

19.4.300 APPLICATION SUBMISSION REQUIREMENTS

19.4.400 CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL

19.4.500 ADDITIONAL DEVELOPMENT STANDARDS

19.4.100 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. These are identified as “Conditional Uses” in Title 17 - Land Use Districts. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

19.4.200 APPROVAL PROCESS

- A. Initial Application.** An application for a new conditional use shall be processed using the Type III procedure (Chapter 19.1.400). The application shall meet submission requirements in this chapter.
- B. Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 19.6 - Modifications.

19.4.300 APPLICATION SUBMISSION REQUIREMENTS

In addition to the submission requirements required in Chapter 19.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, please refer to Section 19.2.500 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;
6. Drawings of all proposed signs;

7. A copy of all existing and proposed restrictions or covenants;
8. Narrative report or letter documenting compliance with all applicable approval criteria in Chapter 19.4.400.

19.4.400 CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on written findings of fact with respect to each of the standards and criteria in A-C.

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. Meet the requirements of Section 19.1.910 – Traffic Studies.
3. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
4. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The Site Design Review approval criteria (Chapter 19.2.600) are met.

C. Conditions of Approval. The City may impose conditions necessary to ensure that the use is compatible with other uses in the vicinity and that any negative impacts from the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features that 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 or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;

6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
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, 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 (Chapter 8.7);
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same.

19.4.500 ADDITIONAL DEVELOPMENT STANDARDS

- A. Concurrent Variance Application(s).** Approval of a conditional use permit shall not grant a variance to regulations otherwise required by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.
- B. Additional Development Standards.** Development standards for specific uses are contained in Title 17 - Land Use Districts.

CHAPTER 19.5 MASTER PLANNED DEVELOPMENTS AND PLANNED UNIT DEVELOPMENTS

SECTIONS:

19.5.100 PURPOSE

19.5.110 APPLICABILITY

19.5.120 REVIEW AND APPROVALS PROCESS

19.5.130 MODIFICATIONS OF DISTRICT STANDARDS (TITLE 17) AND DESIGN STANDARDS (TITLE 18)

19.5.140 OVERLAY ZONE AND CONCEPT PLAN SUBMISSION

19.5.150 OVERLAY ZONE AND CONCEPT PLAN APPROVAL CRITERIA

19.5.160 ADMINISTRATIVE PROCEDURES

19.5.170 DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

19.5.180 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA

19.5.190 LAND USE REVIEW, SITE DESIGN REVIEW, FINAL PLAT, AND BUILDING PERMIT APPROVALS

19.5.100 PURPOSE

The purpose of this Chapter is to:

- A. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
- B. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);
- C. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
- D. Facilitate the efficient use of land;
- 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 conservation and improved air and water quality and;
- H. Assist the City in planning infrastructure improvements.

19.5.110 APPLICABILITY

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter. In addition, the City may require that subdivisions of large residential sites (40 acres and larger) be reviewed in accordance with the Master Planned Development standards of this Chapter 19.5.

19.5.120 REVIEW AND APPROVALS PROCESS

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

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process.

1. The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type III procedure in Chapter 19.1.400, the submission requirements approval criteria of Chapter 19.5.
2. The detailed development plan shall be reviewed using the Type III procedure in Chapter 19.1.400, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Chapter 19.2.400.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows this chapter. Notification and hearings may be combined.

19.5.130 MODIFICATION OF DISTRICT STANDARDS (TITLE 17) AND DESIGN STANDARES (TITLE 18)

The district standards in Title 17 and design standards of Title 18 may be modified through the master plan approval without the need for variances, except that the following standards within Title 17 and 18 shall not be modified:

- A. **Public improvement standards and engineering design criteria** shall not be modified without variance to such standards approved by the Public Works Director/City Engineer. The City may grant such variances concurrently with other Planned Development approvals;
- B. **Residential densities**, as allowed under the Comprehensive Plan; and
- C. **Industrial and commercial uses, if not otherwise allowed in a Residential District**, shall not be allowed in a Residential District master plan.

19.5.140 OVERLAY ZONE AND CONCEPT PLAN SUBMISSION

A. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 19.1.400. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the 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. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A 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 Chapter 19.5.180.
5. Special studies prepared by qualified professionals may be required by the Planning Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

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

1. Existing Conditions map, as defined in Chapter 19.2.500 - 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., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept plan (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

19.5.150 OVERLAY ZONE AND CONCEPT PLAN APPROVAL CRITERIA

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are not satisfied when denying an application:

- A. **Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- B. **Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be met (Chapter 19.3);
- C. **Title 17 and Title 18 Standards.** All of the land use, development, and design standards contained in Title 17 and 18 are met, except as may be modified in Chapter 19.5.130
- D. **Open Space.** Master plans shall contain a minimum of 20 percent open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply;
 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
 2. The open space shall be conveyed in accordance with one of the following methods:

- a. 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 City Planning Director with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
- b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to and approved by the City.

19.5.160 ADMINISTRATIVE PROCEDURES

A. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter 19.7, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

B. Time Limit on Filing of Detailed Development Plan. Within 2 years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Chapter 19.5.170 through 19.5.180.

C. Extension. The City may, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

- 1. No changes have been made on the original conceptual development plan as approved;
- 2. The applicant can show intent of applying for detailed development plan review within the one- year extension period;
- 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
- 4. The extension request is made before expiration of the original approval period.

19.5.170 DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure.

19.5.180 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Chapter 19.5.180, those applications are also subject to the applicable approval criteria in Title 19. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 19.6.

- A. Increased residential densities** (overall or reallocated between development phases) by not more than 20 percent, provided such increase conforms to the Comprehensive Plan and underlying District;
- B. Increase in lot coverage or impervious surface** (overall or reallocated between development phases) by not more than 15 percent over that which is approved;
- C. Reduction in open space or landscaping** by not more than 10 percent;
- D. Increase in overall automobile parking spaces** by not more than 10 percent;
- E. Land use.** No change in land use shall be permitted without a major modification to the concept plan;
- F. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard** require a major modification to the concept plan;
- G. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements require a Major Modification pursuant to Chapter 19.6.** “Major” in this subsection means by more than 100 feet, or 15 percent, relative to setbacks; and
- H. Other substantial modifications** not listed in A-G, above, require approval of a major modification, in conformance with Chapter 19.6.

**19.5.190 LAND USE REVIEW, SITE DESIGN REVIEW, FINAL PLAT AND
BUILDING PERMIT APPROVALS**

- A. Land Use and Site Design Reviews.** For projects that require land use or site design review, all such approvals must be final and appeal periods expired before the City may issue building permits. Chapter 19.2 applies to site design review.
- B. Land Divisions.** For projects that require a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. Chapter 19.3 applies to land divisions.
- C. Streamlined Review Option.** At the applicant’s option, an application for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the Type III procedure. The variation from the standard procedures of Chapter 19.2 - Site Design Review, and Chapter 19.3 - Land Divisions is intended to streamline review of projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings.

19.5.500 PLANNED UNIT DEVELOPMENT

19.5.505	Purpose
19.5.510	Approval Process
19.5.520	Administrative Positions
19.5.530	Concept Plan Submission Requirements
19.5.540	Concept Plan Approval Criteria
19.5.550	Detailed Development Plan Submission Requirements
19.5.560	Detailed Development Plan Approval Criteria

19.5.505 PURPOSE

The purposes of Planned Unit Development Overlay Zones are to:

1. Provide a means for property development that is consistent with Molalla's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city;
2. Provide such added benefits as increased as natural areas or open space in the City, alternative building designs, walk able communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Molalla Development Code;
3. Achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning;
4. Preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site;
5. Consider the amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
6. Provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

19.5.510 APPROVAL PROCESS

1. Applicable in All Zones. The Planned Development designation is an overlay zone applicable to all zones.

2. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development. The provisions of Sections 19.5.500 to 19.5.560 do not apply and an application may not be submitted for an area of less than 5 acres in any zone.

3. Elements of Approval Process. There are three elements to the Planned Development approval process, as follows:
 - A. The approval of the Planned Development Concept plan;
 - B. The approval of a detailed development plan; and
 - C. The approval of the Planned Development Overlay Zone

4. Decision Making Process
 - A. The concept plan shall be processed by means of the Type III land use procedure described in Title 17.
 - B. The detailed development plan shall be reviewed using the Type III (Planning Commission) land use procedure described in Title 17, to ensure that it is substantially in compliance with the approved concept plan.
 - C. The Planned Development Overlay zone will be applied concurrently with the approval of the detailed plan.
 - D. In the case of existing Planned Development Overlay Zone, once construction of the detailed plans has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.
 - E. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.

5. Concurrent applications for concept plan and detailed plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

19.5.520 ADMINISTRATIVE PROVISIONS

1. Time limit on filing of detailed development plan. The concept plan approval expires after 1 year unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Review of the detailed development plan shall follow the Type III procedure described in Title 17.
2. Zoning Map Designation. An application for a Planned Development Overlay Zone may be concurrently approved if the detailed development plan is approved. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. Approval of the planned development overlay zone does not expire.
3. Extension. The Planning Director may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 - A. No changes have been made on the original concept development plan as approved by the Planning Commission;
 - B. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one year extension period; and
 - C. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
4. Phased Development
 - A. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases exceed that required in the land division section of the Molalla Development Code.
 - B. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standards.
5. Substantial Modifications to the Concept Plan. If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan is required.
6. Noncompliance. Noncompliance with an approved detailed development plan is a violation of this Chapter 19.

7. Issuance of Occupancy Permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, if the Planning Director determines that substantial completion is impractical due to climatic conditions, unavailability of materials, or other temporary conditions, the Planning Director may, as a precondition of the issuance of a required permit or certificate of occupancy, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

19.5.530 CONCEPT PLAN SUBMISSION REQUIREMENTS

1. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type III decision as described in Title 17 and the following:
 - A. A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. The statement should include:
 - 1) A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - 2) An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed: and;
 - 3) An explanation of how the proposal relates to the purposes of the Planning Development Chapter as expressed in 19.5.505.
 - B. A general development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed.
 - C. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to the other builders.
2. Additional Information. In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information, the detailed content of which can be obtained by the Planning Director:
 - A. Existing site conditions;
 - B. A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site;

- C. A grading concept;
- D. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
- E. Parking concept;
- F. A sign concept;
- G. A streets and utility concept; and
- H. Structure setback and development standards concept, including the proposed residential density target if applicable.

3. Allowable Uses

A. In Residential Zones. In all residential zones, an approved Planned Development may be developed to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 19.5.560(1.C.3). The following uses are allowed with Planned Development Approval:

- 1) All uses allowed outright in the underlying zoning district;
- 2) Single-Family detached and attached residential units;
- 3) Duplex Residential Units;
- 4) Manufactured Homes;
- 5) Accessory services and commercial uses directly serving the Planned Development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as personal services, pre-school, or daycare, and retail uses less than 5,000 square feet in sum total;
- 6) Community building;
- 7) Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
- 8) Equestrian Estates including stables;
- 9) Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
- 10) Recreational vehicle storage area

- B. In Commercial Zones. In all commercial zones, an approved Planned Development may be developed to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use. Such a use must be located above or behind the central commercial retail.
- C. In industrial Zones. In all industrial zones, a Planned Development shall contain only those uses allowed outright in the underlying zone.

19.5.540 CONCEPT PLAN APPROVAL CRITERIA

- 1. The concept plan may be approved only if all of the following criteria are met:
 - A. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.
 - B. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.
 - C. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
 - D. The concept plan identifies methods for promoting walk ability or transit ridership, such methods may include separated parking bays, off-street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.
 - E. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
 - F. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at or above overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

19.5.550 DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

1. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type III Land Use Application as well as the requirements in 19.5.530 (2) and the approval criteria of 19.5.560.
2. Additional Information. In addition to the general information described in subsection 1 above, the detailed development plan, data and narrative shall include the following information:
 - A. Contour intervals of 2' to 5', depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed.
 - B. A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installations, tree removal, ground breaking, grading, public improvements and building construction for each phase.
 - C. A copy of all existing and/or proposed restrictions or covenants.
3. Compliance with specific development standards. The detailed development plan shall show compliance with base zone provisions, with the following modification:
 - A. Lot Dimensional Standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.
 - B. Site Coverage. The maximum site coverage is 80%, except in R-1 zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;
 - C. Building Height. Any increase in building height in any zone shall follow the conditional use process as outlined in Title 17.
 - D. Structure setback provision:
 - 1) Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by section 19.5.550;
 - 2) The setback provision for all setbacks on the interior of the project shall not apply except that:
 - a) All structures shall meet the Uniform Building and Fire Code Requirements;

- b) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
 - c) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- 3) If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide bases. The Planning Commission may require site specific building envelopes.
- E. Other Provisions of the Base Zone. All other provisions of the base zone shall apply except as modified by this chapter.

19.5.560 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA

1. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:
- A. The detailed plan is generally consistent with the concept plan. Minor changes form the concept plan do not make the detailed plan inconsistent with the concept plan unless:
 - 1) The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
 - 2) The change reduces the amount of open space and landscaping;
 - 3) The change involves a change in use;
 - 4) The change commits land to development which is environmentally sensitive or subject to a potential hazard; or
 - 5) The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
 - B. All the applicable land division provisions in Title 19 shall be met;

- C. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance has been requested.
- 1) The detailed development plan review is intended to address the same type of issues as the Site Development Review.
 - 2) Access, Egress and Circulation. The Planning Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
 - 3) Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission. The Planning Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approved according to the following:
 - a) At 1 percent bonus for each 5 percent of the gross site area set aside in open space, up to a maximum of 5 percent, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainage ways, or wetlands that would otherwise be precluded from development;
 - b) Up to a maximum of 5 percent is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other Planning Commission approved recreation items.

- 4) Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20 percent of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.
- 5) Off-Street Parking and Loading Requirements. The Planning Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if:
 - a) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and
 - b) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or
 - c) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
 - d) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
 - e) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to the parking standards.
- 6) Signs. The Planning Commission may grant an exception to the sign dimensional requirements in the applicable zone if:
 - a) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and
 - b) The exception is necessary for adequate visibility of the sign on the property; and
 - c) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.
- 7) Visual Clearance Areas. The Planning Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

- 8) Street and Utility Improvements. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Planning Commission has the authority to reject an exception request. The Planning Commission can only grant an exception to street sections if sanctioned by the City Engineer. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:
- a) The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:
 - i. Public safety will not be compromised; and
 - ii. In the case of public streets, maintenance costs will not be greater than with a conforming design; and
 - iii. The design will improve storm water conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

D. In addition the following criteria shall be met:

- 1) Relationship to the natural and physical environment:
 - a) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The Planning Commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;
 - b) Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and
 - c) Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions where possible.
- 2) Buffering, screening and compatibility between adjoining uses:
 - a) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
 - b) In addition to buffer requirements, the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is

submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffers.

- i. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - ii. The size of the buffer needs in terms of width and height to achieve the purpose;
 - iii. The direction(s) from which buffering work is needed;
 - iv. The required density of the buffering, and
 - v. Whether the viewer is stationary or mobile.
- c) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
- i. What needs to be screened;
 - ii. The direction from which it is needed; and
 - iii. Whether the screening needs to be year-round.
- 3) Privacy and Noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- E. Exterior Elevations - Single-family attached and multiple-family structures: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
- 1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
 - 2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
 - 3) Offsets or breaks in roof elevations of three or more feet in height.

F. Private outdoor area - residential use:

- 1) Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of 4 feet.
- 2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- 3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

G. Shared outdoor spaces shall be screened or designed to provide privacy for the use:

- 1) Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - a) Studio units up to and including 2 bedroom units, 200 square feet per unit;
 - b) Three or more bedroom units, 300 square feet per unit.
 - i. This does not apply to multi-family residential development in the CBD.
- 2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
- 3) The required recreation space may be provided as follows:
 - a) Additional outdoor passive use open space facilities;
 - b) Additional outdoor active use open space facilities;
 - c) Indoor recreation center; or
 - d) A combination of the above.

H. Access and Circulation:

- 1) The number of required access points for a development shall be provided as required in the Molalla Development Code.
- 2) All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and

- 3) Provisions shall be made for pedestrian and bicycle ways abutting a through site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

I. Landscaping and Open Space:

- 1) Residential Development. In addition to the buffering and screening requirements of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

J. Public Transit:

- 1) Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:
 - a) The location of other transit facilities in the area; and
 - b) The size and type of the proposed development.
- 2) The required facilities may include but are not necessarily limited to such facilities as:
 - a) Awaiting shelter;
 - b) A turn-out area for loading and unloading, and
 - c) Hard surface paths connecting the development to the waiting area.
- 3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Planning Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

K. Parking:

- 1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in the Molalla Development Code;
- 2) Up to 50 percent of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

- L. Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in the Molalla Development Code. An applicant may propose an alternate means for storm water conveyance on the basis that a reduction of storm water runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.
- M. Floodplain Dedication. Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- N. Shared Open Space Facilities: The detailed development plan shall designate a minimum of 20 percent of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:
- 1) Minimal Use Facilities. Up to 75 percent of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
 - 2) Passive Use Facilities. Up to 100 percent of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
 - 3) Active Use Facilities. Up to 100 percent of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
 - 4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.
- O. Open Space Conveyance. Where a proposed park, playground or other public use shown in the plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication is roughly proportional to the impact of the subdivision on the park system. Where considered desirable by the Commission in accordance with adopted Comprehensive Plan polices, and where a development plan of the City does not indicate proposed public use areas, the Commission may require dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- 1) Public Ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the City Manager prior to final approval.
- 2) Private Ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:
 - a) The continued use of such land for the intended purposes;
 - b) Continuity of property maintenance;
 - c) When appropriate, the availability of funds required for such maintenance;
 - d) Adequate insurance protection; and
 - e) Recovery for loss sustained by casualty and condemnation or otherwise.

CHAPTER 19.6 MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

SECTIONS:

19.6.100 PURPOSE

19.6.200 APPLICABILITY

19.6.300 MAJOR MODIFICATIONS

19.6.400 MINOR MODIFICATIONS

19.6.100 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.

19.6.120 APPLICABILITY

- A. This Chapter applies to all development applications approved through the provisions of Chapter 19, including:
1. Land Use Review approvals;
 2. Site Design Review approvals;
 3. Subdivisions, Partitions, and Property Line Adjustments;
 4. Conditional Use Permits;
 5. Master Planned Developments; and
 6. Conditions of approval on any of the above permit types.
- B. This Chapter does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection A.

19.6.130 MAJOR MODIFICATIONS

A. Major Modification Defined. The Planning Director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use. A proposed use is considered to be a change from the prior use if both uses are listed separately in the zone;
2. An increase in density by more than 10 percent, provided the resulting density does not exceed that allowed by the land use district;
3. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
4. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;
5. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
6. A reduction of more than 10 percent of the area reserved for common open space; or
7. Change to a condition of approval, or a change similar to items 1-6, that could have a detrimental impact on adjoining properties. The Planning Director shall have discretion in determining detrimental impacts warranting a major modification.

B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II or Type III review procedure, as follows:

1. If the Planning Director determines that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Director may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to the same review procedure (Type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.
3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 19.1.
4. The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

19.6.140 MINOR MODIFICATIONS

- A. Minor Modification.** Any modification to a land use decision or approved development plan that is not within the description of a major modification.
- B. Minor Modification Review Procedure.** An application for approval of a minor modification shall be reviewed by the Planning Official using a Type I or a Type II review procedure under Chapter 19.1.200 or 19.1.300. The Planning Director is responsible for determining the appropriate review procedure based on the following criteria:
1. Minor modifications that involve only clear and objective code standards may be reviewed using a Type I procedure;
 2. Minor modifications that involve one or more discretionary standards shall be reviewed through Type II procedure; and
 3. When the code is unclear on whether the application should be a Type I or Type II review, a Type II procedure shall be used.
- C. Minor Modification Applications.** An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Director may require other relevant information, as necessary, to evaluate the request.
- D. Minor Modification Approval Criteria.** The Planning Director shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification.

CHAPTER 19.7 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

SECTIONS:

19.7.100 PURPOSE

19.7.200 LEGISLATIVE AMENDMENTS

19.7.300 QUASI-JUDICIAL AMENDMENTS

19.7.400 CONDITIONS OF APPROVAL ON QUASI-JUDICIAL AMENDMENTS

19.7.500 RECORD OF AMENDMENTS

19.7.600 TRANSPORTATION PLANNING RULE COMPLIANCE

19.7.100 PURPOSE

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

19.7.200 LEGISLATIVE AMENDMENTS

A legislative amendment is a policy decision to be made by the City Council. A legislative amendment is reviewed using the Type IV procedure.

19.7.300 QUASI-JUDICIAL AMENDMENTS

A. Applicability of Quasi-Judicial Amendments. A quasi-judicial amendment involves the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the Type III procedure, as governed by Chapter 19.1.400, using standards of approval in (B) below. The approval authority shall be as follows:

1. The Planning Commission shall review and may approve land use district map changes that do not involve comprehensive plan map amendments;
2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and
3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan;
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 planned to be provided in the planning period; and
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and
5. The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.

19.7.400 CONDITIONS OF APPROVAL FOR QUASI-JUDICIAL AMENDMENTS

A quasi-judicial decision may be approved, denied, or approved with conditions. Conditions imposed on quasi-judicial map or text amendment shall be based on applicable regulations and evidence in the record. A legislative amendment may only be approved or denied.

19.7.500 RECORD OF AMENDMENTS

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

19.7.600 TRANSPORTATION PLANNING RULE COMPLIANCE

Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with applicable Oregon Administrative Rules. If the development or amendment will significantly affect a transportation facility as determined under the rules, the applicant shall demonstrate compliance with the rules.

CHAPTER 19.8 CODE INTERPRETATIONS

SECTIONS:

19.8.100 PURPOSE

19.8.200 PROCEDURE

19.8.100 PURPOSE

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

19.8.200 PROCEDURE

- A. **Requests.** A application for a code interpretation shall be made in writing to the Planning Director.
- B. **Decision to Issue Interpretation.** The Planning Director has authority to interpret the code, or refer the application to the Planning Commission. The Planning Director shall advise the applicant in writing within 14 days after the application is submitted whether the Director will make the interpretation or refer the application to the Planning Commission.
- C. **Written Interpretation.** A decision on an application for a code interpretation shall be in writing and shall be mailed or delivered to the applicant and any other person who requested a copy. The decision shall be issued within 30 days of the date the application was deemed complete. The decision shall become effective 14 days later, unless an appeal is filed.
- E. **Type II Procedure.** Code Interpretations shall be made using a Type II procedure.
- F. **Appeals.** The applicant and any party who received notice or who participated in the proceedings may appeal the decision. If the decision was made by the Planning Director, the appeal shall be heard by the Planning Commission. If the decision was made by the Planning Commission, the appeal shall be heard by the City Council. The appeal must be filed within 14 days after the decision was mailed to the applicant. Initiating an appeal requires filing a notice of appeal with the Planning Director pursuant to Chapter 19.1.400.
- G. **Interpretations On File.** The City shall keep on file a record of all code interpretations. Code interpretations will be listed in Title 22.

CHAPTER 19.9 MISCELLANEOUS PERMITS

SECTIONS:

19.9.100 TEMPORARY USE PERMITS

19.9.200 HOME OCCUPATION PERMITS

19.9.100 TEMPORARY USE PERMITS

Temporary uses are short term or seasonal nature and do not include the construction or installation of permanent improvements 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, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval (See A, B and C):

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for a period not longer than 30 days. Using the Type I procedure under Chapter 19.1.200, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. 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);
2. The applicant has proof of the property-owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 18.3 - Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by Chapter 18.1.200(N), and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 18.1.200 - Vehicular Access and Circulation;
6. 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; and
7. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. Using a Type I procedure under Chapter 19.1.200, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

- a. The temporary sales office is 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 is not permanently improved for that purpose;
- c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model house:

- a. The model house is located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house is designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

C. Temporary Building, Trailer, Kiosk, or Structure. Temporary or permanent placement of a building, trailer, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type II procedure, the City may approve, approve with conditions or deny an application for the placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary trailer or building is located within the specified property line setbacks of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Chapter 18.1.200 - Vehicular Access and Circulation;
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 18.3 - Bicycle and Vehicle Parking;

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5. The use will not result in vehicular congestion on streets;
6. The use does not pose an impediment or hazard to pedestrians in the area of the use;
7. 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 which other uses allowed outright in the district do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
10. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and
11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

19.9.200 HOME OCCUPATION PERMITS**A. Purpose.**

The purpose of this Section 19.9.200 is to encourage small commercial ventures that do not otherwise conform to the Special Standards for Certain Uses.

These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. The benefits to the business owner and to the general public include: reduced number of commute-to-work trips, and day-time “eyes on the street” at the residence. Approved home occupation permits are valid for 2 years from the date of issuance; it is the applicant’s responsibility to renew the home occupation permit before the end of the 2 year period.

B. Approval Process and Criteria.

1. Home Occupation Permit. An application for a home occupation permit shall be processed using the Type II Land Use Review procedure described in Chapter 19.1.300 and 19.2.300. In addition to the application requirements contained in Chapter 19.1.300(B), the applicant shall provide:
 - a. A written narrative or letter:
 - (1) describing the proposed home occupation;
 - (2) demonstrating compliance with those standards in Chapter 17.2.190 that can be met, and explaining why the other standards Chapter 17.2.190 cannot be met, and
 - (3) demonstrating compliance with the criteria in subsection 2 below;
 - b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:
 - (1) the property lines and dimensions of the lot or parcel;
 - (2) outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
 - (3) boundaries and dimensions of driveways and parking areas;
 - (4) outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

- (5) identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.
2. The City shall approve, approve with conditions, or deny an application for a Type II home occupation based on all of the following criteria:
 - a. Conditions of Approval. The Planning Director may impose conditions upon the approval of a home occupation permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:
 - 1) Further limiting the hours, days, place and manner of operation;
 - 2) Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
 - 3) Requiring additional building setbacks, and increased lot area, depth or width;
 - 4) Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
 - 5) Designating the size, number, location and design of vehicle access points;
 - 6) Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;
 - 7) Requiring landscaping, buffering and/or screening, of the home occupation from adjoining uses and establishing standards for continued maintenance of these improvements;
 - 8) Requiring storm drainage improvements, and surfacing of parking and loading areas;
 - 9) Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
 - 10) Limiting or setting standards for the location and intensity of outdoor lighting;
 - 11) Requiring and designating the size, height and location of fences and materials used for their construction;
 - 12) Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;

- 13) Limiting the type and number of vehicles or equipment to be parked or stored on the site; and
- 14) Any other limitations which the Planning Director considers to be necessary or desirable to make the use comply with the underlying zoning district.
 - b. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;
 - c. Impacts to surrounding properties may exist but can be mitigated;
 - d. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Chapter 17.2.190.

C. Grounds for Revocation.

- 1. The Planning Director may revoke a home occupation permit if the conditions of approval have not been complied with and the home occupation is otherwise being conducted in a manner that violates the permit or this chapter. When revoking a home occupation permit, the Planning Director may require the property owner to take such actions as may be necessary to eliminate any impacts of the home occupation and to ensure compatibility with the neighborhood.
 - 2. The Planning Director shall review a home occupation upon receipt of a complaint. Complaints may be received by the City of Molalla or the public. The complaints shall clearly state the objection to the home occupations, such as:
 - a. Generation of excessive traffic;
 - b. Exclusive use of on-street parking spaces;
 - c. Other offensive activities not compatible with a residential neighborhood.
- D. Cessation of home occupation pending review. If it is determined by the Planning Director in exercise of reasonable discretion, that the home occupation in question may adversely affect public health and safety, the home occupation may be ordered to cease pending review and/or exhaustion of all appeals.
- E. Waiting Period for Re-Application. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a home occupation on the subject lot or parcel will be considered.

- F. Invalidation of Permit. A home occupation permit shall become invalid if the applicant moves his or her residence.

TITLE 20 – EXCEPTIONS TO CODE STANDARDS

CHAPTERS:

20.1 VARIANCES

20.2 NON-CONFORMING USES AND DEVELOPMENT

20.3 LOTS OF RECORD

20.4 PLANNING DIRECTOR'S INTERPRETATIONS

CHAPTER 20.1 - VARIANCES

SECTIONS:

- 20.1.100 PURPOSE**
- 20.1.200 APPLICABILITY**
- 20.1.300 CLASS “A” VARIANCES**
- 20.1.400 CLASS “B” VARIANCES**
- 20.1.500 CLASS “C” VARIANCES**
- 20.1.600 VARIANCE APPLICATION AND APPEALS**

20.1.100 PURPOSE

This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to code standards. This Code cannot provide standards to fit every potential development situation. The City’s varied geography, and complexities of land development, require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met.

20.1.200 APPLICABILITY

A. Exceptions and Modifications versus Variances. A code standard or approval criterion (“code section”) may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of this chapter applies.

B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies. Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.), however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Types of Variances. As provided in Chapter 20.1.300, there are 3 types of variances (Class A, B, or C); the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process. Because some variances are granted using “clear and objective” standards, they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

20.1.300 CLASS “A” VARIANCES

A. Applicability. The following variances are reviewed using a Type I procedure, as governed by Chapter 19.1, using the approval criteria in subsection “B”, below:

1. Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the land use district.
2. Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.
3. Lot coverage. Up to 5 percent increase of the maximum lot coverage required in the base zone.
4. Landscape area. Up to 5 percent reduction in landscape area (overall area or interior parking lot landscape area).

B. Approval criteria. A Class “A” Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;
2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
3. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.
4. An application for a Class “A” variances is limited to one lot per application.
5. No more than one Class “A” variances may be approved for one lot or parcel in 12 months.

20.1.400 CLASS “B” VARIANCES

A. Applicability. Class “B” variance requests apply to the types of requests meeting the approval criteria in (B through F) below, and that conform to subsections 1-3, below, Class “B” variances shall be reviewed using a Type II procedure, in accordance with Chapter 19.1:

1. The Class “B” variance standards apply to individual platted and recorded lots only.
2. The Class “B” variance procedure shall not be used to modify a standard for lots yet to be created through a partition or subdivision process; such requests shall utilize the Class “C” variance procedure.

3. A variance shall not be approved that would vary the “permitted uses” or "prohibited uses" of a land use district (Article 17).
- B. Variance to minimum housing density standard (Chapter 17.2).** The City may approve a variance to a minimum housing density standard in Chapter 17.2 after finding that the minimum housing density cannot be achieved due to physical constraints that limit the division of land or site development. “Physical constraint” means steep topography, unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.
- C. Variance to Vehicular Access and Circulation Standards (Chapter 18.1).** Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:
1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
 2. There are no other alternative access points on the street in question or from another street;
 3. The access separation requirements cannot be met;
 4. The request is the minimum variance required to provide adequate access;
 5. The approved access or access approved with conditions will result in a safe access;
 6. The visual clearance requirements of Chapter 18.1 will be met; and
 7. Variances for street access deviations shall be subject to review and approval by the roadway authority.
 8. Variances for access deviations on a road having jurisdictions with Clackamas County or the State or Oregon shall not be granted by the City.
- D. Variance to Street Tree Requirements (Chapter 18.2).** The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 18.2, after finding the following:
1. Installation of the tree would interfere with existing utility lines, and no substitute tree with a lower canopy is appropriate for the site;
 2. The tree would cause visual clearance problems; or

3. There is not adequate space in which to plant a street tree; and
4. The City may require the installation of additional or replacement landscaping elsewhere on the site (e.g., parking lot area trees) to compensate for the street tree variance.
5. Street tree approval or modification of standards within an ODOT or Clackamas County right-of-way may require approval, respectively, by ODOT or Clackamas County.

E. Variance to Parking and Loading Standards (Chapter 18.3).

1. The City may approve variances to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in Chapter 18.3 upon finding all of the following:
 - a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant;
 - b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - c. All other code standards are met, in conformance with Title 17 (Land Use Districts) and Title 18 (Design Standards).
2. The City may reduce the number of required bicycle parking spaces per Chapter 18.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
3. The City may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.
4. The City may modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and alternatives for loading/unloading, such as use of on or off-street parking areas during non-business hours provided that traffic is not impeded.

F. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features (Chapters 17.2-17.5 – Land Use Districts). The City may grant a variance to the applicable setback requirements of this Code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the nature feature to be protected.

20.1.500 CLASS “C” VARIANCES

A. Applicability. Class “C” variance requests are those that do not conform to the provisions of Chapters 20.1.200-20.1.300 (Class “A” and Class “B”), and that meet the criteria in 1-4, below, Class “C” variances shall be reviewed using a Type III procedure, in accordance with Chapter 19.1:

1. The Class “B” variance standards apply to individual platted and recorded lots only.
2. The Class “C” variance procedure may be used to modify a standard for 3 or fewer lots, including lots yet to be created through a partition process.
3. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class “C” variance procedure. Approval of a Master Planned Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.
4. A variance shall not be approved that would vary the “permitted uses” or “prohibited uses” of a land use district (Title 17).

B. Approval Process. Class “C” variances shall be processed using a Type III procedure, as governed by Chapter 19.1.400, using the approval criteria in subsection D, below. In addition to the application requirements contained in Chapter 19.1.400, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection D.

C. Approval Criteria. The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

- c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance that would alleviate the hardship.

20.1.600 VARIANCE APPLICATION AND APPEALS

- A. Application.** The variance application shall conform to the requirements for Type I (Section 19.1.200), Type II (Section 19.1.300), or Type III (Section 19.1.400), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.
- B. Appeals** to variance decisions shall be processed in accordance with the provisions of Chapter 19.1.

CHAPTER 20.2 – NON-CONFORMING USES AND DEVELOPMENTS

SECTIONS:

- 20.2.100 Purpose
- 20.2.200 Non-conforming Uses
- 20.2.300 Non-conforming Development
- 20.2.500 Non-conforming Use Confirmation

20.2.100 PURPOSE

This Chapter provides standards and procedures for non-conforming situations (i.e., existing uses or development that do not comply with the Code). The standards for non-conforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Code and do not comply with current standards.

20.2.200 NON-CONFORMING USES

Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Expansion Prohibited.** No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- B. Location.** No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;
- C. Discontinuation or Abandonment.** The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 1. On the date when the use of land is physically vacated;
 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

20.2.300 NON-CONFORMING DEVELOPMENT

Where a development exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. Alterations.** No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;
- B. Destruction.** Should such nonconforming development or nonconforming portion of 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 conformity with this Code;
- C. Roadway Access.** The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with this Code and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.
- D. Relocation or Removal.** Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

20.2.500 NON CONFORMING USE CONFIRMATION

- A. Permit Requirement. Using a Type I procedure, as governed by Title 17, the following criteria shall be used by the Planning Director to issue a confirmation of legal non-conforming use:
 1. Proof that the use was permitted by this title at the time it was established, by any of the following:
 - a. Copies of building and/or land use permits issued at the time the use was established;

- b. Copies of zoning code provisions and/or maps;
 - c. Demonstration that the use was established before the first development code for the community was adopted.
- B. Proof that the use has been maintained over time. This includes copies of one or more of the following evidence for every other year from the time the use was established until the current year. Standard evidence that has been maintained over time includes:
- 1. Utility bills;
 - 2. Income tax records;
 - 3. Business licenses;
 - 4. Listings in telephone, business and County directories;
 - 5. Advertisements in dated publications, e.g., trade magazines, and/or;
 - 6. Building land use or development permits.

CHAPTER 20.3 – LOTS OF RECORD

SECTIONS:

20.3.100 Purpose

20.3.200 Applicability

20.3.300 Procedure

20.3.100 PURPOSE

The purpose of this chapter is to establish criteria and a process for determining when a lot of record exists.

20.3.200 CRITERIA

A lot of record is a lot or parcel that was not created through an approved subdivision or partition, was created and recorded before March 2010, for which the deed, or other instrument dividing the land, is recorded with Clackamas County, that satisfied the land use requirements of the City of Molalla at time the deed was recorded, and for which no owner has received notice of a land use application from the appropriate local government.

20.3.300 PROCEDURE

A lot of record determination shall be made by the Planning Director through a Type I procedure (Chapter 19.1.200). It shall be the property owner's responsibility to demonstrate that his or her plot of land is meets the lot of record criteria in Chapter 20.3.200.

Title 22 - Map Amendments and Code Interpretations

The purpose of Title 22 is to create a place for filing land use district/zoning map amendments made under Chapter 19.7, including Master Planned Developments overlays, and code interpretations made under Chapter 19.8, for reference by staff and applicants. This section of the code does not amend the procedures for completing land use district map and text amendments located in Chapter 19.7. Map amendments shall be located in this section in chronological order based on date of adoption.



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CITY OF MOLALLA

P.O. Box 248
Molalla, OR 97038
(503) 829-6855

To:

Attention: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE., Suite 150
Salem Oregon 97301-2540