



## Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

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## AGENDA

### Molalla Planning Commission

6:30 PM, DECEMBER 6, 2023

Commission Chair Doug Eaglebear  
Commissioner Jennifer Satter  
Commissioner Martin Ornelas

Commission Vice-Chair Connie Sharp  
Commissioner Clint Ancell  
Commissioner David Potts

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices: Live-streaming of the Molalla Planning Commission Meetings are available on Facebook at “Molalla Planning Commission Meetings – LIVE” and “Molalla Planning Commission Meetings” on YouTube. Citizens can submit Public Comment in the following ways: attend the meeting, email support staff @ [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com) by 4:00pm on the day of the meeting, or drop it off at the Civic Center, 315 Kennel Avenue.*

**I. CALL TO ORDER AND FLAG SALUTE**

**II. ROLL CALL**

**III. CONSENT AGENDA**

A. Planning Commission Meeting minutes – 11/1/2023

**IV. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

**V. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

Citizens are allowed up to 3 minutes to present information relevant to the city but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the support staff. The Planning Commission does not generally engage in dialog with those making comments but may refer the issue to the Community Development Director. Complaints shall first be addressed at the department level prior to addressing the Planning Commission.

**VI. PUBLIC HEARINGS**

Conditional Use Permit (CUP02-2023) – New Tavern located at 270 N Molalla Ave, Suite I

**VII. GENERAL BUSINESS**

A. Interviews for Planning Commissioner opening.

1. Rickey
2. Pennie
3. Lightner

B. HB2984 - Housing

- VIII. STAFF COMMUNICATION**
- IX. COMMISSION COMMUNICATION**
- X. ADJOURN**



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### Planning Commission Meeting Minutes for November 1, 2023

The November 1, 2023, meeting of the Molalla Planning Commission was called to order by Chairperson Doug Eaglebear at 6:31 pm.

#### COMMISSIONER ATTENDANCE:

Commissioner Clint Ancell – Present  
Commissioner David Potts – Present  
Commissioner Connie Sharp – Present  
Commissioner Martin Ornelas – Present  
Commissioner Jennifer Satter – Present  
Chairperson Doug Eaglebear - Present

#### STAFF IN ATTENDANCE:

Mac Corthell, Planning Director - Present  
Ronda Lee, Support Specialist - Present  
Sam Miller, Senior Engineer - Present  
Dan Zinder, Associate Planner – Present

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#### AGENDA:

**I. CALL TO ORDER AND FLAG SALUTE**

**II. ROLL CALL**

**III. CONSENT AGENDA**

- A. Planning Commission Meeting minutes – 10/04/2023  
M-CS, 2<sup>nd</sup>-DP Vote: Passed 6-0-0

**IV. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

**V. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

Citizens are allowed up to 3 minutes to present information relevant to the city but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the support staff. The Planning Commission does not generally engage in dialog with those making comments but may refer the issue to the Community

Development Director. Complaints shall first be addressed at the department level prior to addressing the Planning Commission.

**VI. PUBLIC HEARINGS**

SUB01-2023. Motion to approve "with staff recommended conditions" M-JS, 2<sup>nd</sup>-CA  
Passed 6-0-0.

**VII. GENERAL BUSINESS**

**VIII. STAFF COMMUNICATION**

**IX. COMMISSION COMMUNICATION**

**X. ADJOURN**

M-JS, 2<sup>ND</sup>-DP Passed 6-0-0 @7:06 pm

**PLANNING COMMISSION MEETING CAN BE VIEWED IN ITS ENTIRIETY HERE:**

<https://www.youtube.com/watch?v=-TyYQMwX5qo>

\_\_\_\_\_  
Chairperson Doug Eaglebear

\_\_\_\_\_  
Date

Attested by: \_\_\_\_\_  
MCD Director, Mac Corthell

\_\_\_\_\_  
Date



City of Molalla  
315 Kennel Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
Email: [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)  
Web: [www.cityofmolalla.com/planning](http://www.cityofmolalla.com/planning)

## CITY OF MOLALLA STAFF REPORT

### Review for CUP02-2023 – New Tavern

**Date:** November 28, 2023 for the December 5, 2023 Planning Commission Meeting

**File No.:** Review for CUP02-2023

**Proposal:** New Tavern “Outlaw Saloon” in an Existing Commercial Shopping Plaza

**Address:** 270 N Molalla Ave, Suite I

**Tax Lot:** Taxlot 8200 of Clackamas County Taxmap 52E09CB

**Applicant/Owner:** Ryan Gengler  
5798 Evansvalley LP  
Silverton, OR 97381

Molalla Properties LLC  
960 Commercial NE, Salem, OR 97301

**Applicable Standards:** **Applicable Standards: Molalla Municipal Code, Title 17, Development Code**

**Division I: General Provisions**  
Chapter 17-1.4 NONCONFORMING SITUATIONS

**Division II, Zoning Regulations**  
*Section 17-2.2.030 Allowed Uses*

*Section 17-4.4.040 Criteria, Standards, and Conditions of Approval (Conditional Use)*

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#### TABLE OF CONTENTS:

- I. Executive Summary
- II. Recommendations

### III. Conditions of Approval

#### EXHIBITS:

EXHIBIT A: Findings of Fact for CUP02-2023

EXHIBIT B: Application Package CUP02-2023

EXHIBIT C: Molalla Public Works Comments

EXHIBIT D: Molalla Fire Department Comments

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## I. EXECUTIVE SUMMARY

### **Proposal:**

The Applicant seeks land use approval for a new tavern within an existing commercial shopping plaza. This subject parcel is a 0.87 acre parcel addressed at 220 N Molalla Ave in Molalla. The building is addressed at 270 N Molalla Ave and the Applicant proposes placing the tavern in Suite I. The Applicant proposes no changes to the site, nor exterior changes to the building.

### **Site Description:**

The subject site is located on a 0.87 acre parcel of Central Commercial (C-1) zoned land on the west side of N Molalla Ave. The parcel has two existing buildings that were developed as part of design review DR 98-2. The plaza provides 46 vehicular parking stalls, including 4 ADA designated stalls. While ITE codes for the plaza were not specified in the design review, City Staff consider the plaza to have been developed under the "Shopping Center" (820) ITE code as that best describes the mix of retail and service uses that the plaza historically and currently hosts. Current uses include a gym, day care facility, physical therapy business, and fast food restaurant with a drive through.

No zone change is proposed or required for this application.

Note: The submitted site plan is from DR 98-2 and included items marked "future building," "proposed building," and associated parking areas that were not built out. These areas were circled in red and X'd out by the Applicant to designate that they were not built. These areas are not considered in this application, which applies only to the change of use for Suite I. A new site design review will be required for buildout of these areas.

### **Surrounding Zoning and Land Uses:**

The parcel is surrounded by Central Commercial zoned land (C-1) to the east, west, and south. These properties contain a variety of commercial uses to the south and east and vacant property to the west. Publicly zoned (PSP) property is located to the northwest and north of the property and uses include a park and the Molalla Civic Center.

### **Public Agency Notice & Responses:**

Staff circulated notice of the project to the City's Public Works Division and Molalla Fire District on October 18, 2023. The City has included responses from Public Works and Molalla Fire as Exhibits C and D respectively. Public Works and Molalla Fire comments are integrated into the proposed findings and conditions of this decision.

### **Public Notice & Comments:**

Per MMC 17-4.1.040, notice of the public hearing was sent to all property owners

within 300 feet of the subject properties and to a group of interested parties on October 19, 2022. Notice was published in the *Molalla Pioneer* on October 25, 2023. Signage containing public notice information was posted on the property on October 25, 2023. As of November 29, 2023 staff had received no written public comment on the application.

## II. Recommendation

Based on the application materials and findings demonstrating present or conditioned compliance with the applicable standards, staff recommends approval of CUP02-2023 subject to the conditions of approval that follow this recommendation. This approval is based on the Applicant's written narrative, site plans, and supplemental application materials. Any modifications to the approved plans other than those required by the conditions of this decision will require a new land use application and approval.

## III. Conditions of Approval

### 1. Subsequent Required Approvals and Improvements:

- a. Interior work will require building permits from Clackamas County and a change of occupancy status will be required. To ensure compliance with applicable building codes, Applicant shall receive applicable building permits and obtain occupancy for the proposed use prior to operation.

### 2. Ongoing Conditions:

- a. Access to the site shall be limited to entry points from N Molalla Ave.



**Exhibit A:**

*City Staff's Findings of Fact for CUP02-2023*

## **Division I findings:**

### **17-1.4.030 Nonconforming Development**

**Findings:** The Applicant's proposed site is a nonconforming development as various aspects of the site and building including parking lot layout, access, building façade window coverage, and landscaping coverage would not be allowed under the current code. As the Applicant does not propose alterations to the building exterior nor to the site, nor are any such improvements triggered from the proposal, thresholds for requiring additional review are not met.

## **Division II Findings**

### **17-2.2.030 Allowed Uses**

**Findings:** The Applicant proposes a new tavern within the proposed suite. Per MMC Table 17-2.2.030, taverns are allowed in the C-1 zone subject to a conditional use permit. The Applicant submitted a Conditional Use Permit in concurrence with this application.

Additionally, no new bars or taverns are allowed within 500 feet of an existing bar or tavern. Staff determined the nearest bar or tavern to be the Sundowner, located at 115 W Main ST. Using measurements from building to building, Staff determined that no portion of the Sundowner is located less than 500 feet from any portion of the proposed tavern.

The standard is met.

## **Division IV Findings**

### **17-4.4.040 Criteria, Standards, and Conditions of Approval**

**Findings:** The Applicant's submitted application is for a for a new tavern within an existing commercial shopping plaza. Per MMC Table 17-2.2.030, taverns are allowed in the C-1 zone subject to a conditional use permit. Applicable criteria and staff responses are as follows:

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

## 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;

**Findings:** This condition is met subject to a condition of approval. The Applicant's proposes to locate a commercial business within an existing commercial plaza. Access and site suitability for the commercial plaza were determined as part of DR 98-2 and Staff does not anticipate that the proposed use will create new challenges in this regard. While parking is not a requirement within the central commercial zone, per use requirements, minimum parking standards are met and maximum parking standards are not exceeded. Once the proposed bar is established, Staff determines that the entire plaza will require a minimum of approximately 41 vehicular parking stalls and the existing parking for the plaza and 46 are provided. Maximum parking for the complex is 49 spaces.

Interior work will require building permits from Clackamas County and a change of occupancy status will be required. To ensure compliance with applicable building codes, Applicant shall receive applicable building permits and obtain occupancy for the proposed use prior to operation.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval;

**Findings:** The Applicant has proposed a use that is appropriate for a commercial plaza. The plaza is surrounded by park space and other commercial uses. No additional conditions are applied.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

**Findings:** The subject site already has adequate public utility connections Applicant's proposal is not anticipated to cause additional stress to the street network. Public improvements were applied in conjunction with DR 98-2. This standard is met.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Division II; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**Findings:** The Applicant has not applied for a variance, nor is one required. Bars and taverns are allowed in the central commercial zone subject to conditional use permitting. This standard is met.

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

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable. Where applicable, the

timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the Planning Official to issue renewals, who shall do so through a Type I or Type II procedure (see Chapter 17-4.1 for review procedures). (Ord. 2017-08 §1)

**Findings:** The existing plaza takes access from N Molalla Ave. There is an unapproved, unpaved access from W Ross ST that leads to the parking area. As a condition of approval, access to the site shall be limited to entry points from N Molalla Ave.

**Exhibit B:**

*Application Package For CUP02-2023*





Community Development Department

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Molalla, OR 97038

Phone 503.759.0205

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LAND USE ACTION APPLICATION

Type of land use action requested (more than one may apply)

|                          |                          |                     |                                     |
|--------------------------|--------------------------|---------------------|-------------------------------------|
| Annexation:              | <input type="checkbox"/> | Conditional Use:    | <input checked="" type="checkbox"/> |
| Zone Change:             | <input type="checkbox"/> | Partition:          | <input type="checkbox"/>            |
| Comp Plan Amendment:     | <input type="checkbox"/> | Site Design Review: | <input type="checkbox"/>            |
| Master Plan Development: | <input type="checkbox"/> | Variance:           | <input type="checkbox"/>            |
| Subdivision:             | <input type="checkbox"/> | Other:              | _____                               |

Applicant information

Name: Outlaw Saloon Phone: 503-932-2828

Mailing Address: 5798 Evansvalley loop

City: Silverton State: OR Zip: 97381

Email: rgengler22@yahoo.com

Owner Information

Name: Ryan Gengler Phone: 503-932-2828

Mailing Address: 5798 Evansvalley loop

City: Silverton State: OR Zip: 97381

Email: rgengler22@yahoo.com

Property Information

Site address: 270 Suite I

Zoning district: \_\_\_\_\_ Overlay: \_\_\_\_\_ Tax lot # \_\_\_\_\_

Tax Account Number(s): \_\_\_\_\_ T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_

Property dimensions: \_\_\_\_\_ Property acreage: \_\_\_\_\_

Surrounding property uses; North: \_\_\_\_\_ South: \_\_\_\_\_ East: \_\_\_\_\_

West: \_\_\_\_\_ Topography: \_\_\_\_\_

\$2,750.00



**Project Information**

Description of Proposal: chocolate shop moving to Saloon  
Per email dated 9/26/2023 applicant stated Suite I is 1200 SF. Proposed use is a new bar and deli. Interior work only - all exterior site work to remain as constructed.

Describe all existing buildings or structures on property: Per discussion on 10/xx/2023 property contains two commercial buildings and fifty associated parking stalls for those structures. Existing uses include a Subway sandwich shop, gym

Prior Use: Retail

Current Use: Retail

Proposed Use: Retail

City Utilities Impacted: Water:  Sewer:  Stormwater:  None:

**Site Plan(s) and Documents Required**

1. Ownership documents if different than Clackamas County CMAP property information.
2. Provide All Easements, Covenants, Conditions, Restrictions, and Encumbrances on the property – Attach to this form.
3. Provide Elevation profiles meeting architectural standards of MCC 17-3.2.030 (D)
4. If your project is subservient to a prior project(s) please provide:
  - Planning File Number(s): \_\_\_\_\_
  - Subdivision name/date approved: \_\_\_\_\_
  - Special Planning Permits (attach): Conditional Use/Variance/Other: \_\_\_\_\_
  - Planning Conditions of Approval (attach)
5. Site/Plot Plan
 

Plot Plan Requirements

  - Applicant's name and address.
  - Legal description of the property (Township, Range, Section and Tax Lot).
  - SITE PLAN MUST INCLUDE DIMENSIONS OF ALL EXISTING AND PROPOSED STRUCTURES, PROPERTY LINES, SETBACKS, AND DRIVEWAYS.
  - Direction of North.
  - Driveway location and location of adjacent streets.
  - Proposed and existing structures.
  - Location of any existing wells on the property.
  - Walkways, patios, patio slabs, and mechanical units (e.g. air conditioning unit)
  - Location of existing and proposed utility connections.
  - Approximate ground slope and direction of the slope.
  - Property Lines.
  - Position of all creeks, streams, ponds, springs, or other drainageways.
  - Relative elevations (1) At lot corners or construction area, and (2) At building site.
  - Existing and proposed easements.
  - All streets abutting the property.
  - All existing and proposed site features must be included and labeled as such.
  - You must also indicate what is proposed to remain and what is proposed to be removed.

Owner's Signature: [Signature] Date: 9/11/23  
Printed Name: Debra Gaylor Date: 9/11/23



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;

20x60

260 moloka Ave

I'm not building anything

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval;

none, we don't see any negative about creating jobs.

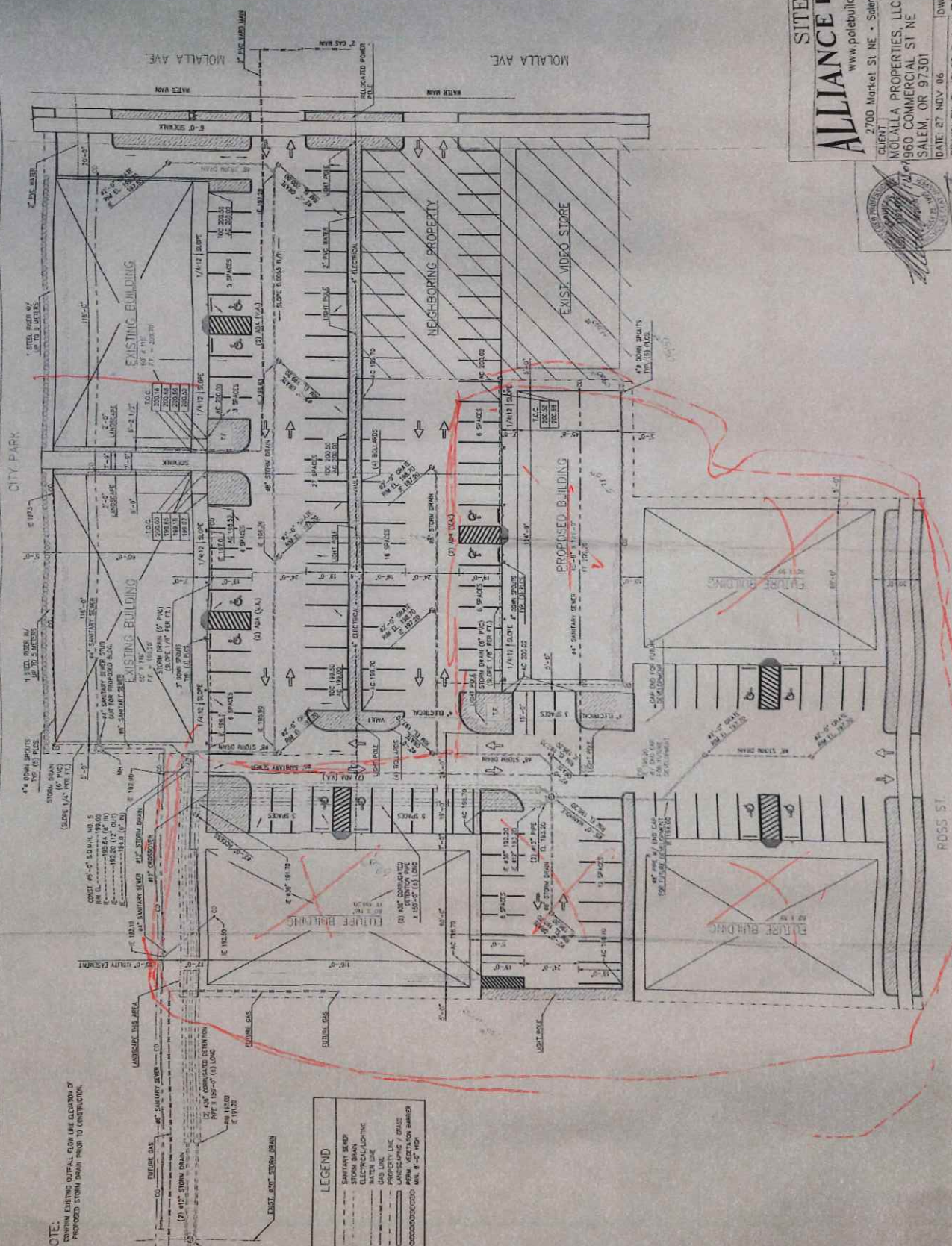
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

yes, no utility upgrade is needed  
the building has been built for over 22 years.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Division II; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

propose use is allowed by Conditional Use permit. The Central Commercial Zone.





NOTE:  
 1. CONTAIN EXISTING UTILITIES FOR THE LOCATION OF  
 PROPOSED STORM DRAIN FROM TO CONSTRUCTION.

| LEGEND                             |                          |
|------------------------------------|--------------------------|
| (Symbol: Dashed line)              | SANITARY SEWER           |
| (Symbol: Solid line)               | STORM DRAIN              |
| (Symbol: Dotted line)              | ELECTRICAL/LOADING       |
| (Symbol: Long dashed line)         | WATER LINE               |
| (Symbol: Short dashed line)        | PROPERTY LINE            |
| (Symbol: Dash-dot line)            | PROPOSED / CHASE         |
| (Symbol: Dashed line with circles) | PERM. RESTRICTION BARRED |
| (Symbol: Dashed line with squares) | MIN. 4'-0" HIGH          |

**SITE PLAN**

**ALLIANCE ENGINEERING**  
 www.polebuildingengineering.com

CLIENT: 2700 Market St NE • Salem, Oregon 97301 (503) 589-1727  
 OWNER / BUILDING LOCATION: MOLALLA PROPERTIES, LLC  
 1960 COMMERCIAL ST NE  
 SALEM, OR 97301

DATE: 27 NOV 06  
 DWS: NO  
 JOB NO: 05 210576  
 REV: 0



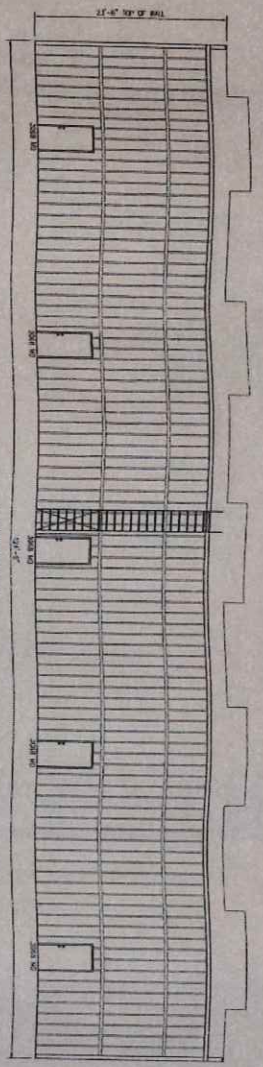




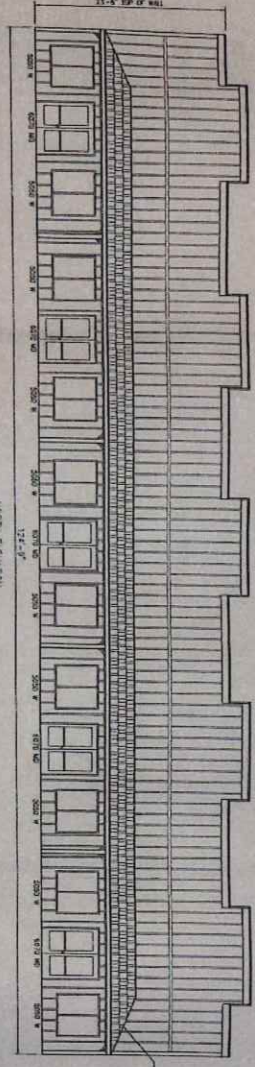




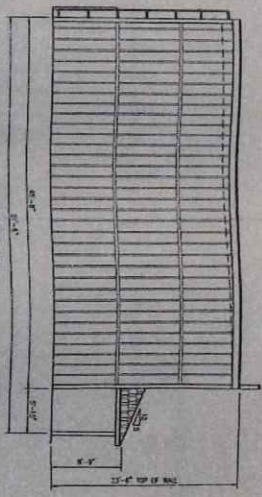




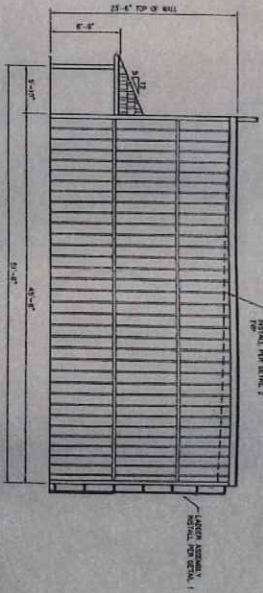
SOUTH ELEVATION



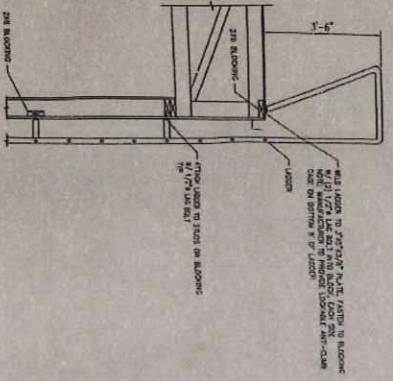
NORTH ELEVATION



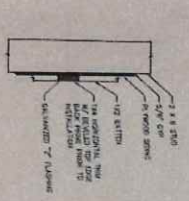
EAST ELEVATION



WEST ELEVATION



1 WINDOW ASSEMBLY DETAIL



2 ROOF EDGE DETAIL



**ELEVATION VIEWS**

**ALLIANCE ENGINEERING**

www.allianceengineering.com

CLIENT: 2700 Market St. NE • Salem, Oregon 97301 (503) 588-1727

OWNER / BUILDING LOCATION: MOLALLA PROPERTIES, LLC  
 960 COMMERCIAL ST NE  
 SALEM, OR 97301  
 220 N MOLALLA AVE  
 MOLALLA, OR 97038

DATE: 27 NOV 06  
 DRAWN BY: RL (PLOT 96)  
 DWG NO.: PE-B-02 of 051  
 PLOT NO.: 210576  
 REV: 0





## **Exhibit C:**

### *Public Works Comments*

## Dan Zinder

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**From:** Sam Miller  
**Sent:** Wednesday, November 8, 2023 3:52 PM  
**To:** Mike Penunuri; Ronda Lockwood; Dan Zinder  
**Subject:** RE: Please Review and Comment CUP02-2023 270 N Molalla Ave Suite I - Outlaw Saloon

Hi Dan,

PW/Engineering Comments:

Applicant is not proposing any upsizing or modification to public infrastructure nor adding additional impervious surfaces. Transportation SDC are account for under the existing ITE Code for this development. SDC shall be calculated at time of new and/or additional development on the property or if upsizing of meter is required and paid prior to building permit issuance. Access shall be taken from existing access off N Molalla Ave. Access from Ross Street shall not be allowed without going through the correct processes with the City.

Regards,

**Sam Miller | Engineering Section Manager**

City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

T : 503-759-0217 | E: [smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)

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**From:** Mike Penunuri <[penunuri@molallafire.org](mailto:penunuri@molallafire.org)>  
**Sent:** Wednesday, October 18, 2023 3:14 PM  
**To:** Ronda Lockwood <[rlockwood@cityofmolalla.com](mailto:rlockwood@cityofmolalla.com)>; Sam Miller <[smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)>  
**Cc:** [tgengler22@yahoo.com](mailto:tgengler22@yahoo.com)  
**Subject:** RE: Please Review and Comment CUP02-2023 270 N Molalla Ave Suite I - Outlaw Saloon

All TI's for this project must be submitted, evaluated and permitted through the Clackamas County Building Department. This will also need to go through a change of use with the City of Molalla as well as Clackamas County Building department. I did a site visit today and it appears that work has already been started. Can anyone tell me if permits have been issued? If not I can check with the County.

Mike Penunuri  
Lieutenant/Paramedic  
Molalla Fire District  
503-829-2200 Ext. 104

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone.

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**From:** Ronda Lockwood <[rlockwood@cityofmolalla.com](mailto:rlockwood@cityofmolalla.com)>  
**Sent:** Wednesday, October 18, 2023 12:39 PM  
**To:** Sam Miller <[smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)>; Mike Penunuri - Mol FD <[penunuri@molallafire.org](mailto:penunuri@molallafire.org)>  
**Subject:** Please Review and Comment CUP02-2023 270 N Molalla Ave Suite I - Outlaw Saloon

This Conditional Use Permit is for a saloon/tavern (previously a chocolate candy store) to do business in a commercial zone.



Please review the attached and provide comments back to me by **Nov. 8, 2023**.

Respectfully,

**Ronda Lockwood**

Community Development | City of Molalla  
315 Kennel Ave. | PO Box 248 | Molalla, OR 97038  
Phone – 503.759.0205  
Email – [rlockwood@cityofmolalla.com](mailto:rlockwood@cityofmolalla.com)  
Website – <http://www.cityofmolalla.com>

**Exhibit D:**

*Molalla Fire District Comments*

## Dan Zinder

---

**From:** Mike Penunuri <penunuri@molallafire.org>  
**Sent:** Wednesday, October 18, 2023 3:14 PM  
**To:** Ronda Lockwood; Sam Miller  
**Cc:** tgengler22@yahoo.com  
**Subject:** RE: Please Review and Comment CUP02-2023 270 N Molalla Ave Suite I - Outlaw Saloon  
**Attachments:** 20230911 - CUP02-2023 - Application.pdf; 20231018 - CUP02-2023 - Completeness Letter.pdf; 20231018 - CUP02-2023 - Site plan.pdf

All TI's for this project must be submitted, evaluated and permitted through the Clackamas County Building Department. This will also need to go through a change of use with the City of Molalla as well as Clackamas County Building department. I did a site visit toady and it appears that work has already been started. Can anyone tell me if permits have been issued ? If not I can check with the County.

Mike Penunuri  
Lieutenant/Paramedic  
Molalla Fire District  
503-829-2200 Ext. 104

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**From:** Ronda Lockwood <rlockwood@cityofmolalla.com>  
**Sent:** Wednesday, October 18, 2023 12:39 PM  
**To:** Sam Miller <smiller@cityofmolalla.com>; Mike Penunuri - Mol FD <penunuri@molallafire.org>  
**Subject:** Please Review and Comment CUP02-2023 270 N Molalla Ave Suite I - Outlaw Saloon

This Conditional Use Permit is for a saloon/tavern (previously a chocolate candy store) to do business in a commercial zone.

Please review the attached and provide comments back to me by **Nov. 8, 2023**.

Respectfully,

### Ronda Lockwood

Community Development | City of Molalla  
315 Kennel Ave. | PO Box 248 | Molalla, OR 97038  
Phone – [503.759.0205](tel:503.759.0205)  
Email – [rlockwood@cityofmolalla.com](mailto:rlockwood@cityofmolalla.com)  
Website – <http://www.cityofmolalla.com>

Today's Date:

City of Molalla  
APPLICATION FOR PLANNING COMMISSION  
APPOINTMENT

Please print or type

Must be received in City Recorder's Office



Planning Commission Appointment is a 4-year term.

PERSONAL INFORMATION:

|                                        |                                                                                          |
|----------------------------------------|------------------------------------------------------------------------------------------|
| Name<br>Darci Lightner                 | Years of Residency in Molalla?<br>12/2019                                                |
| Street<br>[Redacted] Molalla, OR 97038 | Registered Voter?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| City/State/Zip                         |                                                                                          |
| E-mail address<br>[Redacted]           | Cell / home phone<br>[Redacted]                                                          |

EMPLOYMENT:

|                                                                                                                                                                                                                                                                                                                                                                                    |                     |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------|
| Current Employer Name/Address<br>First Student, Inc 2205 National Way Woodburn, OR 97071                                                                                                                                                                                                                                                                                           |                     |                          |
| Position<br>Disptacher                                                                                                                                                                                                                                                                                                                                                             | How long?<br>6/1999 | Work Phone<br>[Redacted] |
| Work Experience<br>Problem solving, conflict resolution, safety issue resolution, answering phones, dealing with the public/angry community, scheduling drivers for routes, trips and helping other locations, computer work Excel, Word, Daily Focus, CSTIMS (state DMV system), driving school bus Class B CDL, State Behind The Wheel Instructor, DMV/ODE Third Party Examiner. |                     |                          |

EDUCATION:

|                                                                           |                    |
|---------------------------------------------------------------------------|--------------------|
| Years Completed<br>12                                                     | Degrees<br>General |
| Colleges<br>none                                                          |                    |
| Certifications<br>State Behind the Wheel Instructor, Third Party Examiner |                    |

COMMUNITY INVOLVEMENT: Attach additional pages if necessary.

|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| Describe volunteer activity within this or other communities<br>none                                                     |
| Do you presently serve on a City board or committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, which board or committee?<br>Budget Committee                                                                    |

In 50 words or less, explain why you desire appointment to the City Council.  
I am looking for more ways to get involved in the city I live in, I'm currently on the Budget Committee and looking to add more to my life.

List any relevant experiences, skills, or interests that have helped to prepare you for your role on the City Council.  
I am looking to join the Planning Committee not City Council at this point

- *Attach a resume if desired.*
- *To access the City Council Orientation Handbook, please access the following link:  
<https://www.cityofmolalla.com/cityrecorder/page/councilor-roles-responsibilities-elections>*
- *The information requested herein becomes public record upon submittal. A written request to not disclose certain information may be submitted to the City Recorder's Office for consideration.*
- *This Council seat is open until filled.*

*I certify that the foregoing information is true and correct.*

Signed \_\_\_\_\_

Date

10/13/23

**For Office Use Only**

Date Received: \_\_\_\_\_

Date Appointed: \_\_\_\_\_

Term assigned: \_\_\_\_\_

Residency confirmed: \_\_\_\_\_

Voter Registration confirmed: \_\_\_\_\_

Today's Date:

City of Molalla  
APPLICATION FOR PLANNING COMMISSION  
APPOINTMENT

Please print or type

Must be received in City Recorder's Office



Planning Commission Appointment is a 4-year term.

PERSONAL INFORMATION:

|                          |                                                                               |
|--------------------------|-------------------------------------------------------------------------------|
| Name                     | Years of Residency in Molalla?                                                |
| Street<br>City/State/Zip | Registered Voter?<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
| E-mail address           | Cell / home phone                                                             |

EMPLOYMENT:

|                               |           |            |
|-------------------------------|-----------|------------|
| Current Employer Name/Address |           |            |
| Position                      | How long? | Work Phone |
| Work Experience               |           |            |

EDUCATION:

|                 |         |
|-----------------|---------|
| Years Completed | Degrees |
| Colleges        |         |
| Certifications  |         |

COMMUNITY INVOLVEMENT: *Attach additional pages if necessary.*

|                                                                                                               |
|---------------------------------------------------------------------------------------------------------------|
| Describe volunteer activity within this or other communities                                                  |
| Do you presently serve on a City board or committee? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, which board or committee?                                                                             |

In 50 words or less, explain why you desire appointment to the City Council.

List any relevant experiences, skills, or interests that have helped to prepare you for your role on the City Council.

- *Attach a resume if desired.*
- *To access the City Council Orientation Handbook, please access the following link:  
<https://www.cityofmolalla.com/cityrecorder/page/councilor-roles-responsibilities-elections>*
- *The information requested herein becomes public record upon submittal. A written request to not disclose certain information may be submitted to the City Recorder's Office for consideration.*
- *This Council seat is open until filled.*

*I certify that the foregoing information is true and correct.*

**Signed (Applicant)**

**Date**

**For Office Use Only**

Date Received: \_\_\_\_\_

Date Appointed: \_\_\_\_\_

Term assigned: \_\_\_\_\_

Residency confirmed: \_\_\_\_\_

Voter Registration confirmed: \_\_\_\_\_

Today's Date:

Oct. 5th, 2023

City of Molalla  
APPLICATION FOR PLANNING COMMISSION  
APPOINTMENT

Please print or type

Must be received in City Recorder's Office



Planning Commission Appointment is a 4-year term.

**PERSONAL INFORMATION:**

|                                        |                                                                                          |
|----------------------------------------|------------------------------------------------------------------------------------------|
| Name<br>Braden (Brady) Rickey          | Years of Residency in Molalla?<br>2                                                      |
| Street<br>[REDACTED] Molalla, OR 97038 | City/State/Zip                                                                           |
| E-mail address<br>[REDACTED]           | Registered Voter?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|                                        | Cell / home phone<br>[REDACTED]                                                          |

**EMPLOYMENT:**

|                                                                  |                      |                          |
|------------------------------------------------------------------|----------------------|--------------------------|
| Current Employer Name/Address<br>Rickey's Jerky Rickeysjerky.com |                      |                          |
| Position<br>Partner/Operator                                     | How long?<br>9 years | Work Phone<br>[REDACTED] |
| Work Experience<br>see attached                                  |                      |                          |

**EDUCATION:**

|                       |                                |
|-----------------------|--------------------------------|
| Years Completed<br>12 | Degrees<br>High School Diploma |
| Colleges<br>n/a       |                                |
| Certifications<br>n/a |                                |

**COMMUNITY INVOLVEMENT:** *Attach additional pages if necessary.*

|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| Describe volunteer activity within this or other communities<br>n/a                                                      |
| Do you presently serve on a City board or committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If yes, which board or committee?                                                                                        |



In 50 words or less, explain why you desire appointment to the City Council.  
I would like to be on the city planning commission to actively shape our community's future, influence development decisions, improve urban sustainability, and contribute to a more livable and vibrant city for myself and future generations.

List any relevant experiences, skills, or interests that have helped to prepare you for your role on the City Council.  
Business management in both retail and e-commerce equips me with skills in strategic planning, stakeholder collaboration, and understanding diverse community needs. These skills are directly applicable to effective decision-making and community development on a city planning commission.

- *Attach a resume if desired.*
- *To access the City Council Orientation Handbook, please access the following link:*  
<https://www.cityofmolalla.com/cityrecorder/page/councilor-roles-responsibilities-elections>
- *The information requested herein becomes public record upon submittal. A written request to not disclose certain information may be submitted to the City Recorder's Office for consideration.*
- *This Council seat is open until filled.*

*I certify that the foregoing information is true and correct.*

Braden Rickey

10/05/2023

*Signed (Applicant)*

*Date*

|                            |                                     |
|----------------------------|-------------------------------------|
| <b>For Office Use Only</b> |                                     |
| Date Received: _____       | Term assigned: _____                |
| Date Appointed: _____      | Residency confirmed: _____          |
|                            | Voter Registration confirmed: _____ |

Professional Experience:

**Rickey's Jerky 2014-Present**  
**Partner/Operator**

**1. National Event Retail Sales Manager**

- Spearheaded retail sales operations at various events across the nation.
- Managed the recruitment and onboarding of sales teams, ensuring top-notch performance and customer service.
- Orchestrated efficient shipping logistics, coordinating both air and ground shipments to teams and retail stores.

**2. E-commerce and Website Management**

- Designed and maintained retail and wholesale websites, streamlining the entire ordering-to-delivery process for maximum automation.
- Pioneered subscription plans, resulting in an impressive annual boost of over 300% in recurring online sales.

**3. Retail Location Expansion**

- Successfully onboarded and managed retail locations, strategically expanding our product presence and market reach.

**4. Trade Show Networking**

- Actively engaged in networking efforts at trade shows, effectively introducing our brand to potential retail partners.

This comprehensive experience demonstrates my proficiency in retail sales, team management, supply chain logistics, e-commerce, and business development, all of which have contributed to the growth and success of our brand.



## Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

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Planning Commissioner interviews      12/06/2023

Applicant:      Darci Lightner      Char Penni      Brady Rickey

1. What motivated you to apply for this position?
  
2. Do you have any personal/professional interest in the city's planning or development? If yes, please explain.
  
3. What prior knowledge, if any, do you have working with planning, development, or serving on a public committee/commission?
  
4. What do you believe your role would be as a Planning Commissioner for the City of Molalla?
  
5. Commitment to this position is, at minimum, one meeting a month for a few hours with some further time needed for reading, events and other trainings/meetings. Is this something you have planned for and are willing to agree to?
  
6. There may be some confidential information discussed during your service in this position. Do you have any examples of working with confidential information?



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

Agenda Category: HB2984

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**DATE:** 12/6/2023

**From:** Ronda Lockwood, Support Specialist

**Approved by:** Mac Corthell, Community Dev Dir

**SUBJECT:** House Bill 2984

**FISCAL IMPACT:** None

**RECOMMENDATION/RECOMMEND MOTION:** Planning Commission to review newly passed House Bill 2984 – Housing; amending ORS 197.308.

**BACKGROUND:** HB2984 is a new state law applicable 1/1/2024. Report for informational purposes only.

**Enrolled**  
**House Bill 2984**

Sponsored by Representative MARSH; Representatives ANDERSEN, DEXTER, FAHEY, HELM, MCLAIN, Senators ANDERSON, DEMBROW, GOLDEN, JAMA, PATTERSON (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; amending ORS 197.308.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, is amended to read:

197.308. (1) As used in this section[.]:

(a) "Affordable housing" means residential property:

(A) In which:

(i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income; or

(ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

(B) Whose affordability, including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) "**Area median income**" means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) **A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.**

**Subsections (2) and (3) of this section:**

**(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.**

**(b) Do not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.**

**(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;**

**(B) The property contains a slope of 25 percent or greater;**

**(C) The property is within a 100-year floodplain; or**

**(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:**

**(i) Natural disasters and hazards; or**

**(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.**

**(5) The development of housing under subsection (2) of this section may occur only:**

**(a) Within an urban growth boundary; and**

**(b) On lands zoned to allow for industrial uses only if the property is:**

**(A) Publicly owned;**

**(B) Adjacent to lands zoned for residential uses or schools; and**

**(C) Not specifically designated for heavy industrial uses.**

**(6) The development of housing under subsection (3) of this section:**

**(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;**

**(b) May not occur on lands zoned to allow industrial uses;**

**(c) May require the payment of a system development charge as defined in ORS 223.299 only if:**

**(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or**

**(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and**

**(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:**

**(A) The amount that may be required for the existing commercial use; or**

**(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.**

**(7) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:**

**(a) Any local density bonus for affordable housing; or**

**(b) Without consideration of any local density bonus for affordable housing:**

**(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;**

**(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or**

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

**(8)(a)** Subsection (7) of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection (7) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

**SECTION 1a. If House Bill 3442 becomes law, section 1 of this 2023 Act (amending ORS 197.308) is repealed and ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, and section 1, chapter, Oregon Laws 2023 (Enrolled House Bill 3442), is amended to read:**

197.308. (1) As used in this section:

(a) "Affordable housing" means residential property:

(A) In which:

(i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income; or

(ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

(B) Whose affordability, including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) "Area median income" means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

**(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.**

**(4) Subsections (2) and (3) of this section:**

**(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.**

**(b) Do not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.**

**(d) of this subsection, do not apply on lands where the local government determines that:**

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

**(d) Do** apply to property described in paragraph (c)(C) and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

**(5) The development of housing under subsection (2) of this section may occur only:**

**(a) Within an urban growth boundary; and**

**(b) On lands zoned to allow for industrial uses only if the property is:**

**(A) Publicly owned;**

**(B) Adjacent to lands zoned for residential uses or schools; and**

**(C) Not specifically designated for heavy industrial uses.**

**(6) The development of housing under subsection (3) of this section:**

**(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;**

**(b) May not occur on lands zoned to allow industrial uses;**

**(c) May require the payment of a system development charge as defined in ORS 223.299 only if:**

**(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or**

**(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and**

**(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:**

**(A) The amount that may be required for the existing commercial use; or**

**(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.**

**(7) The development of housing allowed under subsection (4)(d) of this section may only occur:**

**(a) Within an urban growth boundary located no more than 10 miles from the Pacific Ocean;**

**(b) In areas that require compliance with minimum federal regulations under the National Flood Insurance Program or with local floodplain development regulations adopted by the applicable local government, provided that the local regulations are equal to or more stringent than the minimum federal regulations;**

**(c) In locations that do not include floodways or other areas with higher risks of greater water velocity and debris flow;**

**(d) In communities with emergency response, evacuation and post-disaster plans that have been updated for the housing development; and**

**(e) In areas that are not public parks.**

**(8) A local government may prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described in subsection [(3)(e)] (4)(d) of this section.**



(9) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

(10)(a) Subsection (9) of this section does not apply to housing allowed under sub-section (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection (9) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

Passed by House March 28, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M, ....., 2023

Approved:

.....  
Timothy G. Sekerak, Chief Clerk of House

.....M, ....., 2023

.....  
Dan Rayfield, Speaker of House

.....  
Tina Kotek, Governor

Passed by Senate June 21, 2023

Filed in Office of Secretary of State:

.....M, ....., 2023

.....  
Rob Wagner, President of Senate

.....  
Secretary of State