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## **AGENDA**

### **Molalla Planning Commission**

**6:30 PM, July 7, 2021**

**Meeting Location: Molalla Adult Center**  
**315 Kennel Avenue.**  
**Molalla, OR 97038**

The Planning Commission Meeting will begin at 6:30pm. The Planning Commission has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned in prior to the start of the Commission meeting. The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

**I. CALL TO ORDER**

**II. FLAG SALUTE AND ROLL CALL**

**III. PUBLIC COMMENT** – Limited to 3 minutes per person

**IV. MINUTES:**

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**V. PUBLIC HEARING:**

- SDR02-2021 – Scandia (525 W Main).....Pg. 4

**VI. ORDINANCES:**

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**VI. REPORTS AND ANNOUNCEMENTS**

**VII. ADJOURNMENT**



**Molalla Planning Commission  
MINUTES Molalla Adult  
Center  
315 Kennel Ave., Molalla, OR  
97038  
June 2, 2021**

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**The June 2, 2021 meeting of the Molalla Planning Commission was called to order by Chair Rae Botsford at 6:34pm.**

**COMMISSIONER ATTENDANCE:**

Chair Rae Lynn Botsford – Present  
Commissioner Rick Deaton – Present  
Commissioner Doug Eaglebear – Present  
Commissioner Jennifer Satter – Present  
Commissioner Jacob Giberson – Present  
Commissioner Connie Farrens – Present  
Commissioner Sarah Schoenborn – Present

**STAFF IN ATTENDANCE:**

Mac Corthell, Planning Director - Present  
Dan Zinder, Associate Planner – Present  
Julie Larson, Planning Specialist - Present

**AGENDA:**

- I. CALL TO ORDER**
- II. SALUTE AND ROLL CALL**
- III. PUBLIC COMMENT** – Limited to 3 minutes per person  
No Public Comment
- IV. MINUTES**
  - May 5, 2021 Planning Commission Meeting

Planning Commission approved minutes 7-0 with amendment adding Commissioner Schoenborn's attendance.



## V. ORDINANCE REVIEW

- DCA05-2021 HB2001 Compliance

Begins at 0:01:36 of meeting video. (*Link posted below*)

Planning Director Mac Corthell presented the staff report and material for planning file DCA05-2021, Amendment of the City of Molalla Development Code to comply with HB2001, Duplexes and Accessory Structures in Residential Zones.

### DECISION:

After adiscussion, Planning Commission recommended that City Council adopt Ordinance Number 2021-00. Poll 7-0

## VI. DISCUSSION ITEMS:

- Residential/Industrial Compatibility

Begins at 0:38:03 of meeting video. (*Link posted below*)

Associate Planner Dan Zinder presented the staff report and material for a proposed ordinance to require a Conditional Use Permit for potential conflict areas between residential and industrial uses.

### DECISION:

After a brief discussion, the Planning Commission recommended that City Staff prepare the ordinance for recommendation at the next Planning Commission meeting scheduled for July 7, 2021. Poll 7-0.

## VII. REPORTS AND ANNOUNCEMENTS

- Planners Report
- Directors Report

## VIII. ADJOURNMENT

**PLANNING COMMISSION MEETING CAN BE VIEWED IN IT'S ENTIRIETY HERE:**

**[June 2, 2021 Planning Commission Meeting Video](#)**

\_\_\_\_\_  
Chair, Rae Lynn Botsford

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Mac Corthell, Planning Director



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## CITY OF MOLALLA STAFF REPORT FOR SDR02-2021

### 525/535 W MAIN ST MOLALLA – SCANDIA/ICL AMERICA

**Date:** June 30, 2021 for the July 7, 2021 Planning Commission Meeting

**File No.:** SDR02-2021

**Proposal:** Establish appropriate land use approvals for a new warehousing and distribution use on a 1.8 ac site located at 525/535 W Main ST in Molalla between W Main ST/OR-211 and W Heintz ST.

**Address:** 525/535 W Main ST

**Tax Lots:** 52E08A 07800 and 52E08A 07700

**Applicant:** Mike Rogers  
ICL America Limited  
337 Merrick RD  
Lynbrook, NY 11563

**Property Owners:** ICL America Limited

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

**Division II, Zoning Regulations**

*Chapter 17-2.2.030 Allowed Uses*

*Chapter 17-2.2.040 Lot and Development Standards*

**Division III, Community Design Standards**

*Chapter 17-3.2.040 Non-Residential Buildings,*

*Chapter 17-3.3 Access and Circulation,*

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

*Chapter 17-3.5 Parking and Loading,*

*Chapter 17-3.6 Public Facilities*

Division IV, Application Review Procedures and Approval Criteria  
*Chapter 17-4.1.040 Type III Procedure (Quasi-Judicial Review –  
Public Hearing)*  
*Chapter 17-4.2 SITE DESIGN REVIEW*

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- II. Recommendations
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- EXHIBIT A: Findings of Fact
  - EXHIBIT B: SDR01-2020 Application Package
  - EXHIBIT C: Application Addendum Clarifying Proposed Uses
  - EXHIBIT D: Molalla Public Works Comments
  - EXHIBIT E: Molalla Fire Department Comments
  - EXHIBIT F: Oregon Department of Transportation Comments
  - EXHIBIT G: Public Comment and Staff Responses
    - 1. *Public Comment from Thomas Salisbury and Staff Response*
    - 2. *Public Comment from David Little and Staff Response*
-

## I. EXECUTIVE SUMMARY

### **Proposal:**

The Applicants/Owners seek to establish appropriate land use approvals for a new warehousing and distribution use on a 1.8 ac site located at 525/535 W Main ST in Molalla between OR211/W Main ST and W Heintz ST. Proposed operations include shipping, receiving, fabrication, installation of mechanical fasteners, storage, attachment of cleats, and cutting to length/width of conveyor belt. The applicant proposes to use an existing access from OR-211.

### **Site Description:**

The proposed 1.8 ac site is located on taxlots 52E08A 07800 and 52E08A 07700 which abuts the southern edge of W Heintz ST. The current zoning of the site is Heavy Industrial (M-2) and no change to the zoning designation is proposed. The site is a portion of a larger collection of 6 taxlots between OR-211 and W Heintz ST, totaling 21.65 ac, and owned by Scandia/ICL America. A 32,474 sqft building is located on the site. The company operates within 22,409 sqft of that building with another belt manufacturing company "Pacific Belt Industrial Supplies" occupying the remaining ~10,000 sqft. The larger collection of properties has a slight slope descending from its high point in the southeast corner to its low point in the northwest corner.

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

The project site is directly abutted by residentially zoned (R-3, medium-high residential) land to the north. The rest of the site is surrounded by heavy industrial (M-2) land and uses. Notably, Cash Ice, an ice supplying company, operates on the parcel directly to the west.

### **Public Agency Responses:**

Staff circulated notice of the project to the City's Public Works Director, Fire Marshal, and the Oregon Department of Transportation on May 18<sup>th</sup> 2021. The City has included responses from ODOT as Exhibit E and incorporated responses from Molalla Public Works and the Molalla Fire Department as Exhibits C and D and/or integrated into the findings and conditions.

### **Public Notice and 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 May 28, 2021. This notice was re-sent on June 16, 2021 to correct an error in the first notice regarding the nature of the proposed use. The notice was published in the Molalla Pioneer on Wednesday, June 23<sup>rd</sup> 2021. Signage containing public notice information was posted on the property on Wednesday, June 23<sup>rd</sup>, 2021. As of June 30<sup>th</sup> Staff had received two (2) public comments on the application.

## II. Recommendation

Based on the application materials and findings demonstrating compliance with the applicable criteria, staff recommends approval of Site Design Review SDR02-2021, subject to the following conditions of approval. This approval is based on the Applicant's written narrative, 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. Certificate of Occupancy Required:

Per Molalla Municipal Code (hereinafter MMC) 17-4.9.020 and the State of Oregon Structural Specialty Code, upon approval of this Site Design Review (change of use), the applicant must obtain a Certificate of Occupancy from the Clackamas County Building Official. Per MMC 17-4.2.070, this site design review has an approval period of 1-year from the date of approval.

As a condition of approval, the Applicant/owner shall obtain a Certificate of Occupancy through the Clackamas County Building Official for all onsite occupants within the 1-year approval period. Extension requests for the 1-year period are subject to the Code provisions of MMC 17-4.2.070, B.

Note: City approval is required for all Certificates of Occupancy.

### 2. Conditions to be Met Prior To City Approval of Occupancy:

- a. A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach is legal for the proposed use is required. The approach will be required to be brought up to current ODOT standards (MMC 17-3.3.030 B, ODOT).
- b. The Applicant shall receive City concurrence in demonstrating that the existing asphalt drive exists to the extent that vehicles do not track mud or emit dust into the air. Any and all sections of unpaved driveway shall be paved (MMC 17-3.3.030 D, 3).

- c. The applicant shall record cross-over access easements to access OR 211 via tax lot 9100 for tax lots 7800, 7700, 7600, 9200, and 9300 with the County Assessor to facilitate future shared access. Shared access will improve highway safety by reducing potential conflicts between vehicles and between vehicles and pedestrians and bicyclists at closely spaced driveways and will implement ODOT Access Management Program goals (MMC 17-3.3.030 D, 5)
- d. The Applicant shall submit a parking plan and construct pedestrian improvements meeting the standards of subsection MMC 17-3.3.040, B, 3 between parking stalls and the primary entrance. Separated pedestrian circulation areas shall not be counted towards overall parking area when calculating parking lot landscaping.
- e. The Applicant shall submit a parking plan and construct pedestrian improvements, such as striping or a crosswalk, between the access drive and primary entrance. Pedestrian striping shall meet the standards of MMC subsection 17-3.3.040 B, 4.
- f. All designed and constructed walkways shall meet the standards of MMC 17-3.3.040, B, 4-6.
- g. Portions of the subject site where the applicant has proposed landscaping shall be brought to current standards. The applicant shall submit a landscaping plan meeting the criteria of MMC 17-3.4.030 C, 1-17. The applicant shall complete landscaping in accordance with the approved plan.
- h. The Applicant shall design and implement a landscaping plan showing parking lot landscaping coverage standards that meet MMC 17-3.4.030, E, 1 and MMC 17-3.4.030, E, 3. The applicant shall complete landscaping in accordance with the approved plan.
- i. Design for ADA parking stalls and amenities shall be consistent with all ADA requirements (MMC 17-3.5.040).
- j. The Applicant shall install bicycle racks consistent Criterion B of MMC Section 17-3.5.040.
- k. Applicant will be required to design and construct a new 8" waterline extending from the stubbed waterline near the northeast corner of property known as Map 52E08A Tax lot 07800 (535 W Main St.), bearing roughly southward along the abandoned Wittenberg roadway alignment, around the east side of the building on site, to the southeast corner of 535 W Main St., and reconnecting to the waterline at

approximately that location.

A 6" waterline currently runs on 535 W Main St. The City will provide the applicant a credit for the existing 6" waterline that will accrue and be payable upon completion and acceptance of the required 8" waterline installation. Applicant will be required to provide linear footage of the 6" waterline existing on 535 W Main St. and allow City Officials access to inspect the 6" waterline to confirm linear footage.

The City will extend an 8" waterline northward from W Main St., along the abandoned Wittenberg roadway alignment to the southeast corner of 535 W Main St. Applicant will be required to connect the required 8" waterline on 535 W Main St., to the newly extended 8" waterline referenced in this paragraph.

The City will entertain a development agreement, modification, or any other appropriate, legally binding instrument to give effect to this condition and the obligations of each party. However, unless a modification is approved and modifies the timing of this condition: prior to City Approval of Occupancy and within the lifecycle of this (SDR02-2021) approval (1-year with an option for 1-year extension upon application and approval) the applicant shall design and construct, or cause to be designed and constructed, a new 8" waterline extending from the stubbed waterline near the northeast corner of 535 W Main St., bearing roughly southward along the abandoned Wittenberg roadway alignment, around the east side of the building on site, to the southeast corner of 535 W Main St., and reconnecting to the waterline at approximately that location.

- l. Applicant will be required to replace the existing fire hydrant, add any new hydrant or appurtenances required by the Fire Marshall, and connect the new line in condition 'k' to the suppression system.
- m. Applicant shall dedicate a 15-foot wide public waterline easement around the new 8" water line and associated hydrants (in conditions 'k' and 'l' above).

Once the easement has been recorded and the original recorded easement is received by the City, the City will quit claim the Wittenberg easement north of the northerly extension of the north right-of-way line of Hoyt Street (running under the building on-site).

- n. Once Applicant has completed conditions 'k', 'l', and 'm', the City will install a new 8" waterline from W Main Street north to connect to waterline extension thereby looping the waterline (MMC 17-3.6.040, Molalla Public Works).

- o. All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city (MMC 17-3.6.060, Molalla Public Works).
- p. The Applicant will be required to dedicate a public sewer easement to the City of Molalla overlaying all portions of the onsite public sewer. (MMC 17-3.6.070, Molalla Public Works).
- q. A 10-foot-wide public utility easement shall be dedicated to the City adjacent to all public right-of-way and no structures are allowed to encroach into the easement. Applicant shall be required to submit a legal description and exhibit map for review and sign City easements.
- r. Applicant shall record all referenced easements with the County Recorder's Office and return the original document to the City (MMC 17-3.6.070, Molalla Public Works).
- s. All public improvements shall be completed and accepted by the Public Works Department (MMC 17-3.6.080, Molalla Public Works).
- t. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards and supply the City with a copy of the final document (MMC 17-3.6.080, Molalla Public Works).
- u. All utilities will be stubbed out to the far end of each street for future extension. The project shall utilize existing water, sewer, and storm water 'stub-outs' wherever possible. Water for domestic and fire protection shall be looped through the proposed site. Any 'stub-outs' determined to be not needed for the proposed development or any future development of the subject property shall be abandoned in accordance with the Molalla Standard Specifications for Public Works Construction (MMC 17-3.6.080, Molalla Public Works).
- v. All public improvement designs shall meet the requirements of the Molalla Standard Specifications for Public Works Construction as amended by the Public Works Director (MMC 17-3.6.080, Molalla Public Works).



- w. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Molalla Public Work's Standards (MMC 17-3.6.080, Molalla Public Works).
- x. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated, or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff (MMC 17-3.6.080, Molalla Public Works).
- y. Plans submitted for review shall meet the requirements described in Section 1 of the Molalla Standard Specifications for Public Works Construction (MMC 17-3.6.080, Molalla Public Works).
- z. General Wetland Requirements – The applicant will be required to provide Public Works with a letter of concurrence from the Department of State Lands regarding any wetlands on the subject property (MMC 17-3.6.080, Molalla Public Works).
- aa. The Applicant shall evaluate the current suppression system to make sure its design will handle the commodity that they will have on hand and for what height (Molalla Fire Department).

### 3. Conditions to be Met During Construction:

- a. The applicant shall install, operate, and maintain adequate erosion control measures in conformance with the standards adopted by the City of Molalla and DEQ during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed. Applicant or Applicant's Contractor shall be responsible for all erosion control requirements under the 1200-C permit and shall coordinate directly with DEQ for questions related to 1200-C permit compliance (MMC 17-3.6.080, Molalla Public Works).

### 4. Ongoing Conditions:

- a. This decision approves a use for *“Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses.”* Manufacturing of the belts beyond the proposed operational activities of “fabrication, installation of mechanical fasteners, storage, attachment of cleats, and cutting to length/width of conveyor belts” shall require a separate land use action (MMC 17-4.9).
- b. Future new buildings, additions, and exterior alterations on the subject site shall comply with applicable standards of MMC Chapter 17-3.2.040 Non-Residential Buildings per MMC 17-3.2.020.
- c. Future installation of mechanical equipment shall be screened pursuant to pursuant to MMC 17-3.4. The Applicant shall maintain the paved access so that vehicles do not track mud or emit dust into the air (MMC 17-3.3.030 D, 3).
- d. The Applicant and or property owners shall maintain unobstructed access width between the OR-213 approach and the subject site and around fire hydrants in accordance with Oregon Fire Code.
- e. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than 2.5 feet in height shall be placed in “vision clearance areas” at the intersection of the proposed site access driveway approach and OR-213 (MMC 17-3.3.030 D, 6).
- f. Offsite pedestrian improvements within the larger area owned by Scandia/ICL America shall be addressed at the time of development.
- g. All landscaping shall be maintained in good condition, or otherwise replaced by the property owner (MMC 17-3.4.030 G).
- h. All fences and walls shall be constructed with approved materials as prescribed in MMC Section 17-3.4.040, D. As an ongoing condition of approval all fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.
- i. All outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner (MMC 17-3.4.050, E).
- j. Future lighting installations on this site shall undergo an approvals process subject to the provisions of MMC Chapter 17-3.4.050.

- k. Access to Heintz Street shall be limited to vehicles equal to or smaller than a WB-50 truck and trailer. The Applicant shall pave the Heintz Street access and drive aisle to the site to City standards prior to any use of that access (MMC 17-3.6.020, Molalla Public Works).
- l. The Applicant shall maintain yard storage per Chapter 34 of the Oregon Fire Code (Molalla Fire Department).

**Exhibit A:**

*City Staff's Findings of Fact*

Per Chapter 17-4.2.050 Approval Criteria, an application for Site Design Review shall be approved if the proposal meets all the following criteria. The Planning Official, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

**A. The application is complete, in accordance with Section 17-4.2.040;**

**Findings:** The City received the Applicant's proposal on March 24<sup>th</sup>, 2021 and deemed it incomplete on April 6, 2021. Revised submissions submitted on May 6<sup>th</sup>, 2021 were deemed complete on May 17<sup>th</sup>, 2021.

**B. The application complies with all of the applicable provisions of the underlying Zoning District (Division II), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;**

**Findings:** Applicable Criteria under Division II. Zoning Regulations for this project include:

*Chapter 17-2.2.030 Allowed Uses*

*Chapter 17-2.2.040 Lot and Development Standards*

Section 17-2.2.030 Allowed Uses

**Findings:** Staff finds the subject property is zoned M-2 (Heavy Industrial). The proposed uses of *shipping, receiving, fabrication, installation of mechanical fasteners, storage, attachment of cleats, and cutting to length/width of conveyor belts* align with the *"Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses"* use from MMC Table 17-2.2.030, which is an allowed use in this zone.

Section 17-2.2.040 Lot and Development Standards

**Findings:** Staff finds that the Applicant's submitted application and site plan show compliance with Lot and Development standards for Non-Residential Zones (MMC Table 17-2.2.040) as follows:

**Minimum Lot Area, Depth, and Width**

Standard: No standard

Proposal: Complies

**Maximum Structure Height:**

Standard: 55ft

Proposal: 31 ft - complies

**Fences and Non-Building Walls:** Refer to Staff responses to MMC Section 17-3.4.040, Fences and Walls.

**Lot Coverage:**

Standard: 100%

Proposal: 41.3% - complies

**Minimum Landscaping Area:**

Standard: 5%

Proposal: 5% - complies

**Minimum Setback Yards:**

There are no minimum setback standards for front, street-side, interior side, and rear property lines within industrial zones. The proposed site has no proposed garage or carport entry nor is it adjacent to an alley.

These standards do not apply.

A 10ft setback is required for industrial projects adjacent to residential districts. The northern boundary of the site abuts a residential district. The northern elevation of the existing onsite structure lies 30.62' from the northern property line in the northwest corner and 45.54' from the northern property line.

This standard is met.

**Build-To Line:**

Build-To Line standards are not applicable in industrial zones.

- C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Nonconforming Situations;**

**Findings:** The existing development constitutes a non-conforming development. The existing building crosses over lots of record platted by the Shaver Subdivision plat and existing taxlot lines between taxlots 52E08A 07800 and 52E08A 07700. The existing building also is sited over an existing public waterline. The property generally is out of compliance with current design including but not limited to Building Orientation and Design, Access and Circulation, Landscaping, Parking and Loading, and Public Facilities.

The Applicant's submitted application and site plan show an expansion of approximately 14,600 sqft of new outdoor storage area. This constitutes 18% of the 78,546 sqft site areas and is within the 50% expansion allotment pursuant to MMC 17-1.4.030, A.

The proposal also includes added landscaping and upgrades to parking areas and public facilities. These additions may be considered part of the original development and do not count towards expansion totals. These elements do not add to the non-conformity of the development and in fact, are being integrated in compliance with the development code, increasing onsite conformity.

Pursuant to MMC 17-1.4.030, C, the existing access within the vacated right-of-way of Wittenburg Ave is under purview of the Oregon Department of Transportation (ODOT). ODOT comments requiring an approach permit are included as Exhibit F of this document.

#### **D. The proposal complies with all the Development and Design Standards of Division III, as applicable:**

**Findings:** Applicable Criteria under Division III. Community Design Standards for this project include:

Section 17-3.2.040 Non-Residential Buildings

Chapter 17-3.3 Access and Circulation

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

Chapter 17-3.5 Parking and Loading,

Chapter 17-3.6 Public Facilities

#### **Section 17-3.2.040 Non-Residential Buildings**

*B. Building Orientation. The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.*

**Findings:** The Applicant's submitted application does not include new buildings nor building additions. This section does not apply. Future new buildings, additions, and exterior alterations on the subject site shall comply with applicable standards of MMC Chapter 17-3.2.040 Non-Residential Buildings per MMC 17-3.2.020.

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

**Findings:** The Applicant's submitted application shows total floor plate area of 32,474 sqft, which is below the 35,000 sqft threshold. This section does not apply.

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

**Findings:** The Applicant's submitted application does not include new buildings nor building additions. This section does not apply.

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

**Findings:** The Applicant's submitted application does not include new buildings nor building additions. This section does not apply.

*F. Pedestrian Shelters. The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.*

**Findings:** The Applicant's submitted application does not include new buildings nor building additions. This section does not apply.

*G. Mechanical Equipment*



1. *Building Walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Chapter 17-3.4. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical*

**Findings:** The Applicant's submitted proposal does not include new mechanical equipment. This section does not apply. Future installation of mechanical equipment shall be screen pursuant to pursuant to MMC 17-3.4.

2. *Rooftops. Except as provided below, rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the Planning Official may approve painting of mechanical units in lieu of screening; such painting may consist of colors that make the equipment visually subordinate to the building and adjacent buildings, if any.*

**Findings:** The Applicant's submitted application does not include rooftop equipment. This section does not apply.

3. *Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses. D*

**Findings:** The Applicant's submitted application does not include new ground mounted mechanical equipment. This section does not apply.

*H. Civic Space. Commercial development projects shall provide civic space pursuant to Section 17-3.2.050*

**Findings:** Civic space requirements do not apply to industrial development.

1. *Drive-Up and Drive-Through Facilities. Drive-up and drive-through facilities shall comply with the requirements of Section 17-3.2.060. (Ord. 2017-08 §1)*

**Findings:** This does not apply to this application.

## Chapter 17-3.3 Access and Circulation

### Section 17-3.3.020 Applicability

*Chapter 17-3.3 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 17-3.3 applies to all connections to a street or highway, and to driveways and walkways. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.3, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances. For street improvement requirements, refer to Section 17-3.6.020. (Ord. 2017-08 §1)*

**Findings:** As shown on Sheet 4 of the Applicant's submitted site plan, access to the site shall be taken from an existing offsite private access from OR-211 along the vacated Wittenburg Ave right-of-way.

MMC Subsection 17-1.4.030 C prescribes that:

*The owner of a nonconforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the nonconforming access into conformance with the standards of the applicable roadway authority.*

The applicable roadway authority for OR-213 is the Oregon Department of Transportation (ODOT). ODOT provided recommendations on this application (See Exhibit F) requiring that:

*A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach is legal for the proposed use is required. The approach will be required to be brought up to current ODOT standards.*

MMC Section 17-3.3.020 is thus applicable as a modified approach is necessitated. Access standards shall be managed through the ODOT Approach Permit.

### Section 17-3.3.030 Vehicular Access and Circulation

*B. Permit Required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*

**Findings:** This criterion may be met through a condition of approval.

As a condition of approval, Applicant and/or site developer shall obtain approach permits from ODOT prior to City Approval of Occupancy.

- C. Traffic Study Requirements. The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 17-3.6.020, to determine compliance with this Code.*

**Findings:** This proposal does not require a traffic impact analysis update.

- D. Approach and Driveway Development Standards. Approaches and driveways shall conform to all of the following development standards:*

- 1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.*
- 2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.*
- 3. Driveways shall be paved and meet applicable construction standards. Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Public Works Design Standards.*
- 4. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.*
- 5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the City Engineer may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).*
- 6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.*
- 7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.*
- 8. Except where the City Engineer and roadway authority, as applicable, permit an open access with perpendicular or angled parking, driveways shall accommodate*

*all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.*

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

*19. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable Public Works Design Standards.*

*20. Except as otherwise required by the applicable roadway authority or waived by the City Engineer temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.*

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

**Findings:** Per the Molalla Transportation System Plan, ODOT standards supersede local standards. Access standards shall be managed through the ODOT Approach Permit conditioned in Section 17-3.3. 030 subsection B. Circulation standards are subject to City review.

Circulation criterion can be met subject to conditions of approval.

Criterion 3 requires that driveways be paved. The Applicant's submitted site plan shows an existing asphalt driveway along the vacated Wittenburg right-of-way with a 20ft +/- width. As a condition of approval, the Applicant shall receive City concurrence prior to City Approval of Occupancy in demonstrating that the existing asphalt drive exists to the extent that vehicles do not track mud or emit dust into the air. Any and all sections of unpaved driveway shall be paved prior to receipt of certificate of occupancy. As an ongoing condition of approval, the Applicant shall maintain the paved access so that vehicles do not track mud or emit dust into the air.

Criterion 5 states that the applicable roadway authority may *"also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s)."* In ODOT's written comments for this proposal (see Exhibit F) they provided the following recommendation:

*The applicant shall record cross-over access easements to access OR 211 via tax lot 9100 for tax lots 7800, 7700, 7600, 9200, and 9300 with the County Assessor to facilitate future shared access. Shared access will improve highway safety by reducing potential conflicts between vehicles and between vehicles and pedestrians and bicyclists at closely spaced driveways and will implement ODOT Access Management Program goals.*

Criterion 6 requires that approaches and driveways *"accommodate emergency vehicle apparatus and applicable fire protection requirements."* The Applicant's submitted site plan shows 20ft of unobstructed access width between OR-213 and the subject site. This meets current requirements of Oregon Fire Code. Required unobstructed access width around fire hydrants is 26'. As an ongoing condition of approval, the Applicant and or property owners shall maintain unobstructed access width between the OR-213 approach and the subject site and around fire hydrants in accordance with Oregon Fire Code.



- E. Approach Separation from Street Intersections. Except as provided by subsection H, minimum distances shall be maintained between approaches and street intersections consistent with the current version of the Public Works Design Standards and Transportation System Plan.*
- F. Approach Spacing. Except as provided by subsection H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches consistent with the current version of the Public Works Design Standards and Transportation System Plan.*

**Findings:** Per the Molalla Transportation System Plan, ODOT standards supersede local standards. Approach standards shall be managed through the ODOT Approach Permit conditioned in MMC Section 17-3.3.030 subsection B.

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

**Findings:** As an ongoing condition of approval, no visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than 2.5 feet in height shall be placed in “vision clearance areas” at the intersection of the proposed site access driveway approach and OR-213.

### 17-3.3.040 Pedestrian Access and Circulation

*B. Standards. Developments shall conform to all the following standards for pedestrian access and circulation as generally illustrated in Figure 17-3.3-3:*

**Findings:** Onsite pedestrian access and circulation criterion can be met subject to conditions of approval. Offsite pedestrian improvements within the larger area owned by Scandia/ICL America shall be addressed at the time of development.

- 1. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.*
- 2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:*
  - a. The walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.*
  - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Planning Official may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*
  - c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 17-3.2 and, where required, Americans with Disabilities Act (ADA) requirements.*

**Findings:** These conditions can be met subject to conditions of approval.

The Applicant's submitted site plan does not show pedestrian improvements between the access drive and primary entrance. As a condition of approval, the Applicant shall submit a parking plan and construct pedestrian improvements meeting the standards of subsection MMC 17-3.3.040, B, 3 between parking stalls and the primary entrance prior to City Approval of Occupancy. Pedestrian striping shall meet the standards of MMC subsection 17-3.3.040 B, 4.

Last, the Applicant's submitted site plan does not identify the primary entrance to the existing building. This prohibits staff from determining compliance with applicable codes.

3. *Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the Planning Official may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*

**Findings:** These conditions can be met subject to a condition of approval.

The Applicant's submitted site plan does not show vehicle/walkway separation between parking areas and pedestrian circulation patterns between the existing access driveway and the building's primary entrance. As a condition of approval, the Applicant submit a parking plan and construct pedestrian improvements meeting the standards of subsection MMC 17-3.3.040, B, 3 between parking stalls and the primary entrance. Separated pedestrian circulation areas shall not be counted towards overall parking area when calculating parking lot landscaping. prior to City Approval of Occupancy. Separated pedestrian circulation areas shall not be counted towards overall parking area when calculating parking lot landscaping.

4. *Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding 24 feet in length.*
5. *Walkway Width and Surface. Walkways, including access ways required for subdivisions pursuant to Chapter 17-4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the current version of the Public Works Design Standards and Transportation System Plan.*
6. *Walkway Construction (Private). Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than six feet in width in commercial and mixed use developments and where access ways are required for subdivisions under Division IV.*

**Findings:** All designed and constructed walkways shall meet the standards of MMC 17-3.3.040, B, 4-6.



7. *Multi-Use Pathways. Multi-use pathways, where approved, shall be a minimum width and constructed of materials consistent with the current version of the Public Works Design Standards and Transportation System Plan*

**Findings:** No multi-use pathways are proposed or required. This section does not apply.

## Chapter 17-3.4 LANDSCAPING, FENCES AND WALLS, OUTDOOR LIGHTING

### 17-3.4.030 Landscaping and Screening

- A. **General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.

**Findings:** Pursuant to MMC Section 17-1.4.030, this application is for the expansion of a non-conforming development. This section does not apply.

- B. **Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Tables 17-2.2.040.D and 17-2.2.040.E. The Planning Official, consistent with the purposes in Section 17-3.4.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

**Findings:** The Applicant's submitted application shows over 5% landscape coverage, which is the standard for industrial zones. This condition is met.

- C. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:
1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.
  2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.
  3. Trees shall be not less than two-inch caliper for street trees and one and one-half-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.
  4. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
  5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
  6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover

plants that are sized and spaced to achieve plant coverage of not less than 75 percent at maturity.

7. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 35 percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
8. Where stormwater retention or detention, or water quality treatment facilities are proposed, they shall meet the requirements of the current version of the Public Works Design Standards.
9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
10. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
11. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
12. Deciduous trees should be used where summer shade and winter sunlight is desirable.
13. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
14. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
15. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
16. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, stormwater detention facilities, and similar grading, is proposed.
17. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

**Findings:** These criterion can be met subject to conditions of approval.

The Applicant submitted plans showing landscaping areas but did not identify plant types nor present a plan for coverage pursuant to 17-3.4.030 C, 1-17. As a condition of approval, portions of the subject site where the applicant has proposed landscaping shall be brought to current standards prior to City Approval of Occupancy. The applicant shall submit a landscaping plan meeting the criteria of MMC 17-3.4.030 C, 1-17. The applicant shall complete landscaping in accordance with the approved plan prior to City Approval of Occupancy.

**D. Central Commercial C-1 District Streetscape Standard.** Developers of projects within the Central Commercial C-1 zoning district can meet the landscape area requirement of

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

**Findings:** The subject property is not in the C-1 zone. This standard does not apply.

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

1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of shade trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide a partial canopy cover over the parking lot within five years. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.

**Findings:** This criterion can be met subject to a condition of approval. The Applicants submitted site plan shows 648 sqft of parking lot landscaping constituting 10% of the overall parking area. This standard is met.

The Applicant's submitted site plan does not identify plant types within the proposed parking lot landscaping area. As a condition of approval the Applicant shall design and implement a landscaping plan showing parking lot landscaping coverage standards that meet MMC 17-3.4.030, E, 1 and MMC 17-3.4.030, E, 3. The applicant shall complete landscaping in accordance with the approved plan prior to City Approval of Occupancy.

2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

**Findings:** The Applicants submitted site plan shows 16 parking spaces. This standard does not apply.

3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.

**Findings:** This criterion can be met subject to a condition of approval. As a condition of approval the applicant shall submit a landscaping plan with building permit submissions showing parking lot landscaping coverage standards of 17-3.4.030, E, 1 and 17-3.4.030, E, 3 are met.

4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.

**Findings:** The Applicant's submitted site plan shows wheel stops between landscaped areas and vehicle maneuvering areas. This standard is met.

5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

**Findings:** The Applicant's submitted site plan does not show tree wells within sidewalks or other paved areas. This standard does not apply.

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

1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 17-3.4.040 for related fence and wall standards.

**Findings:** The Applicant's submitted application states that the proposed storage area shall be screened with a four-foot, site obscuring fence. This standard is met.

2. **Parking Lots.** The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

**Findings:** The Applicant's submitted site plan shows that all parking spaces are directed towards the existing building and are thus screened. This standard is met.

3. **Other Uses Requiring Screening.** The Planning Official may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, Special Uses pursuant to Chapter 17-2.3, flag lots, and as mitigation where an applicant has requested an adjustment pursuant to Chapter 17-4.7.

**Findings:** This standard does not apply.

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

**Findings:** This criterion can be met with a condition of approval. As an ongoing condition of approval all landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

#### 17-3.4.040 Fences and Walls

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

**Findings:** These standards do not apply.

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

**Findings:** The Applicant does not propose any changes to existing fencing within setback areas. These standards do not apply. Additionally, existing fences within setback areas meet code.

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

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

F. Maintenance. Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner. (Ord. 2017-08 §1)

**Findings:** The Applicant proposes a four foot, site obscuring fence around the proposed outdoor storage area. These criteria can be met with a condition of approval. As an ongoing condition of approval all fences and walls shall be constructed with approved materials as prescribed in MMC Section 17-3.4.040, D. As an ongoing condition of approval all fences and walls shall be maintained in good condition, or otherwise replaced by the property owner. No additional permitting shall be required for fences proposed in this application.

### 17-3.4.050 Outdoor Lighting

**Findings:** The Applicant does not propose any new outdoor lighting and additional lighting is not required by this application. Outdoor lighting standards can be met subject to conditions of approval. As a condition of approval, all outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner. As a condition of approval, future lighting installations on this site shall undergo an approvals process subject to the provisions of MMC Chapter 17-3.4.050.



## Chapter 17-3.5 PARKING AND LOADING

### 17-3.5.030 Automobile Parking

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

*1. The standards in Table 17-3.5.030.A;*

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

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

**Findings:** The Applicant's submitted application shows sixteen (16) auto parking spaces. Per MMC Table 17-3.5.030.A, the "Warehouse and Freight Movement" use requires one (1) parking space per 2000 sqft. The existing onsite building is 32,474 sqft of retail floor space. Staff finds a minimum of 16 required parking stalls are required for the proposed development. The Applicant's proposed parking meets the minimum standard and does not exceed the maximum number of 1.5x the minimum parking allowance of twenty-four (24) spaces. This criterion is met.

*F. Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17-3.5.030.F and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, sidewalks, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 17-3.6.050.*

**Findings:** The Applicant's submitted application shows stall depth of 18', stall width of 8.5'. Drive aisle widths are of varying width, but all meet or exceed the required width of 23'. All parking stalls are angled at 90 degrees. All proposed stall dimensions either equal or exceed the requirements from MMC Table 17-3.5.030 for 90-degree angled parking stalls:

*Length Req: 18'*

*Width Req: 8.5'*  
*Drive Aisle Req: 23'*

This criterion is met.

*H. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.*

**Findings:** This criterion can be met with a condition of approval. The Applicant's submitted site plan shows two (1) ADA parking stalls. As a condition of approval, design for ADA parking stalls and amenities shall be consistent with all ADA requirements.

Criteria B, C, E, G, and I do not apply to this project.

### 17-3.5.040 Bicycle Parking

- A. Standards. Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 17-3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to Section 17-3.5.030.C, the Planning Official may require bicycle parking spaces in addition to those in Table 17-3.5.040.A.*
- B. Design. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle, consistent with the Public Works Design Standards.*
- C. Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.*
- D. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall be located to not conflict with the vision clearance standards of Section 17-3.3.030.G.*

**Findings:** This criterion can be met with a condition of approval. The Applicant's submitted site plan shows 2 stalls for bicycle parking which the submitted application describes as a "single rack," accommodating two bicycles. Per Molalla Development Code Table 17-3.5.040.A, industrial developments are required to have two bicycle parking spaces per primary use or 1 per

10 required vehicle spaces, whichever is greater. Per Table 17-3.5.030.A, 16 vehicle parking spaces are required, which puts the bicycle parking requirement at 2 stalls. Criterion A is met.

The Applicant has not identified a style for the proposed bicycle parking. As a condition of approval, the Applicant shall install bicycle racks consistent Criterion B of MMC Section 17-3.5.040 prior to City approval of occupancy. Criterion D is satisfied. Criterion C does not apply.

### **17-3.5.050 Loading Areas**

**Findings:** The Applicant does not propose any new loading areas and additional loading areas are not required by this application. This section does not apply.

## **Chapter 17-3.6 PUBLIC FACILITIES**

### **17-3.6.020 Transportation Standards**

**Findings:** Transportation standards can be met subject to conditions of approval.

1. This development review will not require a traffic impact analysis update.
2. No improvements to Heintz Street are required. The Applicant shall apply for an approach permit from the City of Molalla prior to taking any access from Heintz Street. Access to Heintz Street shall be limited to vehicles equal to or smaller than a WB-50 truck and trailer. The Applicant shall pave the Heintz Street access and drive aisle to the site to City standards prior to any use of that access.
3. W. Main Street (OR 211): No tracking on to W Main Street shall be allowed and all surfaces for vehicular access on to W Main Street shall be paved. Access onto W Main Street and any associated improvements shall be per ODOT recommendation/requirements (See Exhibit F).

### **17-3.6.040 Sanitary Sewer and Water Service Improvements**

**Findings:** Sanitary Sewer and Water Service standards can be met subject to conditions of approval.

#### **Water:**

**Findings:** The existing waterline on the site served the old lumber mill property, does not meet current standards, and is not a looped system. Applicant will be required to design and construct a new 8" waterline extending from the stubbed waterline near the northeast corner of property known as Map 52E08A Tax lot 07800 (535 W Main St.), bearing roughly southward along the abandoned Wittenberg roadway alignment, around the east side of the building on site, to the southeast corner of 535 W Main St., and reconnecting to the waterline at approximately that location.

A 6" waterline currently runs on 535 W Main St. The City will provide the applicant a credit for the existing 6" waterline that will accrue and be payable upon completion and acceptance of the required 8" waterline installation. Applicant will be required to provide linear footage of the 6" waterline existing on 535 W Main St. and allow City Officials access to inspect the 6" waterline to confirm linear footage.

The City will extend an 8" waterline northward from W Main St., along the abandoned Wittenberg roadway alignment to the southeast corner of 535 W Main St. Applicant will be required to connect the required 8" waterline on 535 W Main St., to the newly extended 8" waterline referenced in this paragraph.

The City will entertain a development agreement, modification, or any other appropriate, legally binding instrument to give effect to this condition and the obligations of each party. However, unless a modification is approved and modifies the timing of this condition: prior to City Approval of Occupancy and within the lifecycle of this (SDR02-2021) approval (1-year with an option for 1-year extension upon application and approval) the applicant shall design and construct, or cause to be designed and constructed, a new 8" waterline extending from the stubbed waterline near the northeast corner of 535 W Main St., bearing roughly southward along the abandoned Wittenberg roadway alignment, around the east side of the building on site, to the southeast corner of 535 W Main St., and reconnecting to the waterline at approximately that location.

### **17-3.6.050 Storm Drainage and Surface Water Management Facilities**

**Findings:** The Applicant is utilizing an existing drainageway to the railroad spur. No additional surface improvements that would trigger water quality or detention appear to be proposed.

### **17-3.6.060 Utilities**

**Findings:** All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city.

### **17-3.6.070 Easements**

**Findings:** Portions of onsite the public sanitary sewer do not have a recorded easement for public access. As a condition of approval, the Applicant will be required to dedicate a public sewer easement to the City of Molalla overlaying all portions of the onsite public sewer. A 15-foot-wide public waterline easement around the required new 8 in waterline and associated hydrants shall be dedicated to the City of Molalla prior to City approval of occupancy.

A 10-foot-wide public utility easement shall be dedicated to the City adjacent to all public right-of-way and no structures are allowed to encroach into the easement. Applicant shall be required to submit a legal description and exhibit map for review and sign City easements. Once completed, applicant will be required to record easements with the County Recorder's Office and return the original document to the City prior to City approval of occupancy.

### **17-3.6.80 Construction Plan Approval**

**Findings:** These provisions can be met subject to conditions of approval. From the materials submitted, it appears that the storm drain, domestic water, and sanitary sewer facilities will be

obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required. All public improvements shall be completed and accepted by the Public Works Department prior to issuance of any occupancy. Construction plan approval requirements include:

- A. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, bonding, right-of-way, and easements have been obtained and approved by staff, and Staff is notified a minimum of 24 hours in advance.
- B. Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements if additional modifications or expansion of the sight distance onto adjacent streets is required.
- C. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Molalla Public Work's Standards.
- D. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated, or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- E. Plans submitted for review shall meet the requirements described in Section 1 of the Molalla Standard Specifications for Public Works Construction.
- F. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards and supply the City with a copy of the final document.
- G. All utilities will be stubbed out to the far end of each street for future extension. The project shall utilize existing water, sewer, and storm water 'stub-outs' wherever possible.

Water for domestic and fire protection shall be looped through the proposed site. Any 'stub-outs' determined to be not needed for the proposed development or any future development of the subject property shall be abandoned in accordance with the Molalla Standard Specifications for Public Works Construction.

- H. All public improvement designs shall meet the requirements of the Molalla Standard Specifications for Public Works Construction as amended by the Public Works Director.
- I. General Wetland Requirements – The applicant will be required to provide Public Works with a letter of concurrence from the Department of State Lands regarding any wetlands on the subject property prior to City approval of occupancy.
- J. General Erosion Control – The applicant shall install, operate, and maintain adequate erosion control measures in conformance with the standards adopted by the City of Molalla and DEQ during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed. Applicant or Applicant's Contractor shall be responsible for all erosion control requirements under the 1200-C permit and shall coordinate directly with DEQ for questions related to 1200-C permit compliance.

**E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized;**

**Findings:** The applicant's current onsite operations of the proposed uses and activities have not brought any code enforcement concerns regarding light, glare, noise, odor, vibration, smoke, dust, or visual impact. This site design review further mitigates impacts by requiring landscape screening on the north boundary of the site, parking faced towards the building to mitigate glare, cleaning of existing surfaces on the drive access and requiring pavement where none exists, and screening for outdoor storage.

**F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.**

**Findings:** There are no known prior land use approvals associated with this site. This proposal establishes a baseline by establishing the proposed uses on the site and bringing some non-conforming elements to current standard.





## **Exhibit B:**

*SDR02-2021 Application Package  
(including application, narrative,  
and property legal description)*



# CITY OF MOLALLA

## SITE PLAN REVIEW APPLICATION

### APPLICANT INFORMATION

Property Owner ICL America Limited (Mike Rogers) Phone 704-560-3888

Mailing Address 337 Merrick Road

City Lynbrook State NY Zip 11563 Email mrogers@iclamerica1.com

Contractor's Name \_\_\_\_\_ CCB No. \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Address of Building Site 525 W. Main Street & 535 W. Main Street Parcel Size 3.3 acres

Tax Account Number(s) \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ S \_\_\_\_\_ Tax Lot # 5N 2E 8A 7700 & 7800

### PROJECT INFORMATION:

☐ New Development ☐ Re-development ☐ Change of Use ☒ Other Added use

Project Scope: Type III SDR to allow for new use--warehousing and distribution of new conveyor belts--at existing industrial building

Intended Use: Conveyor belt warehousing and distribution

Describe all existing buildings or structures on property: Tax Lot 7800 contains two adjoining lawful warehouse structures

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

Applicant Signature Mike Rogers Date: 3/19/2021

#### For Official Use Only

City File# \_\_\_\_\_ Date Received \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_ Date App Complete \_\_\_\_\_ SDC's Paid \_\_\_\_\_

City Approval \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

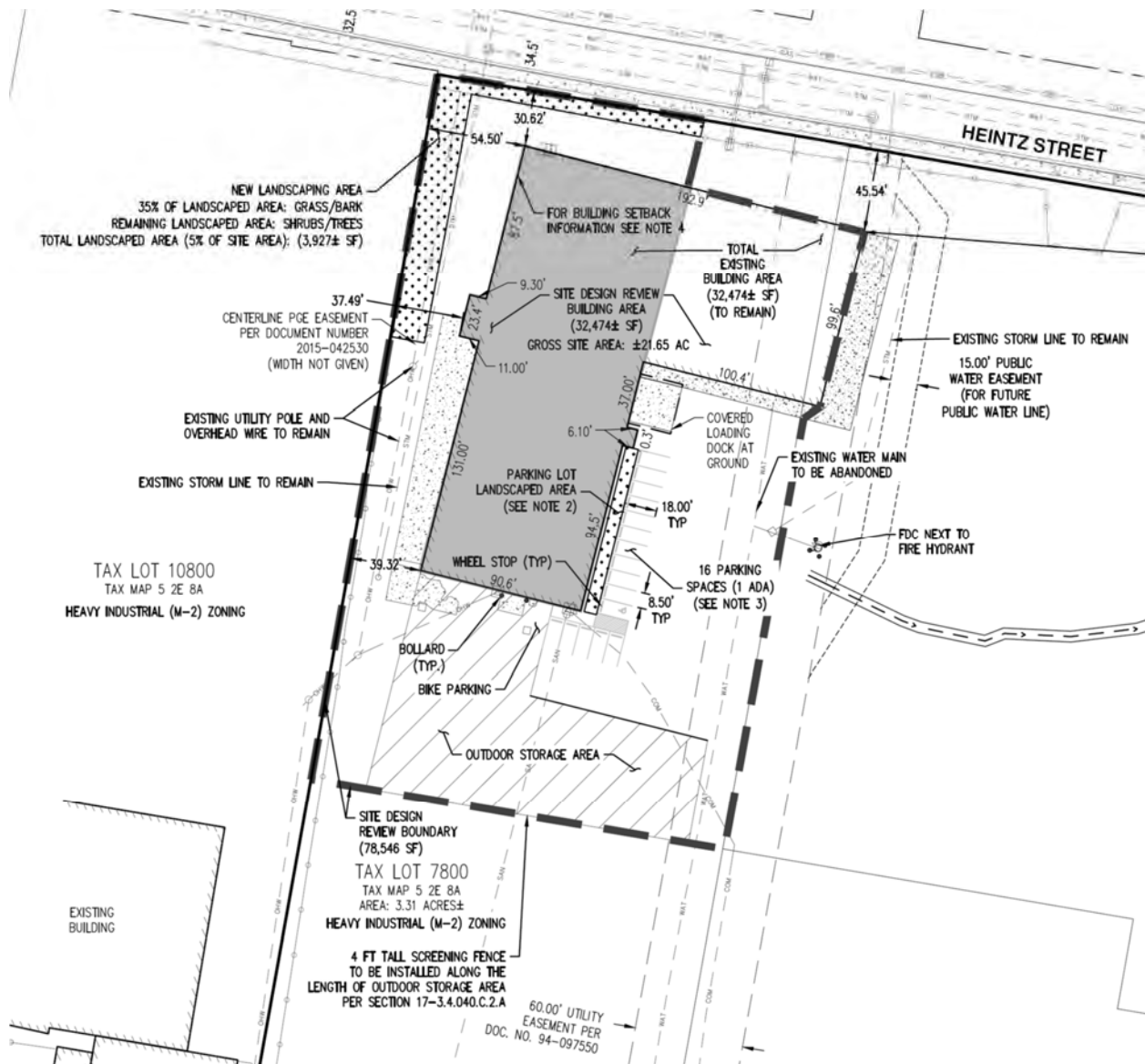
## BEFORE THE PLANNING COMMISSION FOR THE CITY OF MOLALLA

In the matter of an application for a Site Design Review on behalf of Scandia, USA LLC, for property generally located at 525 and 535 W Main Street.

### APPLICANT'S FINDINGS ADDRESSING THE APPLICABLE CRITERIA

#### I. INTRODUCTION.

Scandia USA, LLC (the "Applicant") proposes to establish a new warehousing and distribution use. The subject property (the "Property") is identified as Tax Lots 7700 and 7800 of Clackamas County Assessor's Map 5N 2E 8A. The Site consists of portions of Tax Lots 7700 and 7800, as shown below:



The property is 3.3 acres in size and is located north of W Main Street (OR 211) with direct access to this roadway via an existing 20-foot wide drive aisle and driveway. The site was previously occupied by Scott's Lawn & Garden, a national manufacturer and distributor of lawn care products. Tax Lot 7800 contains two adjoining lawful structures consisting of a total of 32,474 square feet, the entirety of which is considered the Site Design Review Area. As shown on the Site Plan (**Exhibit 1**), both structures are owned by the Applicant. Scandia occupies approximately 22,409 sq. ft. (535 West Main Street) and Pacific Belt Industrial Supply ("PBIS") is a tenant, which occupies approximately 10,035 sq. ft. (525 West Main Street), with the balance of the area in community usage. The shaded area in the figure above shows the portion of the occupied by the Applicant.

The Site will be accessed from Main Street over an existing paved 20-foot wide access, located in the vacated right-of-way of Wittenburg Avenue. Main Street is an Oregon State Highway under the jurisdiction of the Oregon Department of Transportation ("ODOT"). The Site has a highway access right and the Applicant understands that an ODOT Highway Approach Permit (Access Permit) will be required. Based on ODOT's comments dated January 24, 2020, ODOT will only grant the Approach Permit after this SDR Application is approved. **Exhibit 2.** The Applicant commissioned a transportation analysis by a registered professional transportation engineer, Chris Clemow. The analysis demonstrates that proposed trip generation is anticipated to be less than 30 trips per day and will be "significantly less than previous development vehicular trip generation." **Exhibit 3.**

The Property is zoned Heavy Industrial ("M-2"). The Applicant proposes to use its portion of the building for warehousing and distribution of new conveyor belts. This use is permitted in the M-2 zone as a "Freight Terminal, including warehousing and wholesale distribution," under Molalla Development Code ("MDC") Table 17-2.2.030.D, "Industrial and Employment Uses."

A site plan is attached to the Application as **Exhibit 1**. The Application does not include any new building area or onsite improvements, except that the Applicant understands that the site must meet minimum landscaping area, parking, and outdoor storage screening requirements.

## **II. APPLICANT'S RESPONSES TO THE SITE DESIGN REVIEW CRITERIA.**

Under MDC 17-4.2.030, an SDR is normally a Type II Decision. Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission. However, projects in excess of 5,000 sq. ft. of building area or with a site area of more than one acre require review by the Planning Commission. MDC 17-4.2.030. The proposed use exceeds these thresholds and therefore, the Planning Commission must review the Application through a "Type III" procedure.

The approval criteria for an SDR are set forth in MDC 17-4.2.050 and are addressed bellow.

**17-4.2.050 Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Official, in approving the**

**application, may impose reasonable conditions of approval, consistent with the applicable criteria.**

**A. The application is complete, in accordance with Section 17-4.2.040;**

RESPONSE: The Application shall be deemed complete once Staff has verified that all submission requirements are provided. The Planning Commission can find that this criterion is met.

**B. The application complies with all of the applicable provisions of the underlying Zoning District (Division II), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;**

RESPONSE: As explained above, the Application does not propose additions or modifications to the existing building. The existing parking area is proposed to be re-landscaped in the existing planter and restriped, and five new parking spaces will be added. A new 3,927 sq. ft. landscaped area, equal to five percent of the overall site area, is proposed to be created at the northwest corner of the site. Finally, the Application includes new outdoor storage area south of the building surrounded by a four-foot sight-obscuring fence. The standards relevant to the Application are addressed below.

**1. Building and Yard Setbacks.**

RESPONSE: Minimum setbacks in the M-2 zone are established in MDC Table 17-2.2040.E as follows:

- a) Front, street side, interior side, and rear: none.**
- b) Garage or carport entry: 20 feet.** The existing building is set back over 30 feet from the Heintz Street right-of-way, which is the nearest public street to the building. This standard is met.
- c) Setbacks Adjacent to an R District: 10 feet.** There is no R-zoned district abutting the Site. This standard does not apply.

RESPONSE: As demonstrated above, the Application satisfies all applicable setback requirements.

**2. Lot Area and Dimensions.**

RESPONSE: There are no minimum or maximum lot areas applicable in the M-2 zone. As explained above, the Application satisfies the only applicable setback standard. This standard does not apply.

**3. Density and Floor Area.**

RESPONSE: Pursuant to MDC Table 17-2.2.040.E, there are no density or floor area regulations in the M-2 zone. This standard does not apply.

**4. Lot Coverage.**

RESPONSE: Pursuant to MDC Table 17-2.2.040.E, there is no maximum lot coverage in the M-2 zone. This standard does not apply.

**5. Building Height.**

RESPONSE: Pursuant to MDC Table 17-2.2.040.E, the maximum height in the M-2 zone is 55 feet. The existing building is approximately 31 feet tall and is not proposed to be made taller. This standard is not applicable.

**6. Building Orientation and Architectural Requirements.**

RESPONSE: The Application is subject to MDC 17-3.2.040, which sets forth standards for non-residential buildings. However, because no changes are proposed to the existing building, the Planning Commission can find that the Application does not make the buildings less conforming and the vast majority of building orientation and architectural requirements do not apply.

**b) Building Orientation (MDC 17-3.2.040.B)**

**(1) Build-to-line (MDC 17-3.2.040.B.1).**

RESPONSE: This standard does not apply because build-to lines do not apply in the M-2 zone.

**(2) Street-facing entrance (MDC 17-3.2.040.B.2).**

RESPONSE: The existing building does not have a street-facing entrance and a new entrance is not proposed as part of the Project. The Planning Commission can find that the existing entrance is legally nonconforming and may remain so because the degree of nonconformity is not being increased by the Application.

**(3) Parking, trash storage, and ground level utilities between entrances and street (MDC 17-3.2.040.B.3).**

RESPONSE: All existing outdoor storage areas will be consolidated and moved to a location south of building. As shown on the site plan, this area will be screened with a four-foot tall sight-obscuring fence as required by MDC 17-3.4040.C.2.A. This standard is met.

**(4) Off-street parking to be oriented internally to the site to the extent practicable (MDC 17-3.2.040.B.4).**

RESPONSE: All parking areas are internal to the site. The Applicant proposes to add five new parking spaces for a total of 16, with one being an ADA-accessible space. The existing parking

area will be paved as necessary, re-stripped and the existing landscape planter will be re-planted. This standard is met.

**c) Large format developments (MDC 17-3.2.040.C).**

RESPONSE: This section does not apply because the large format development regulations apply to buildings larger than 35,000 sq. ft. and the total area of the existing buildings is 32,474 sq. ft.

**7. Minimum Landscape Area.**

RESPONSE: Pursuant to MDC Table 17-2.2.040.E, the minimum landscaping requirement in the M-2 zone is 5 percent, which includes required parking lot landscaping and required screening. As the Application does not propose any modifications to the building or site improvements, the Planning Commission can find that this standard does not apply.

If the Commission finds that this standard does apply, it can find that the standard is met because the Applicant proposes a new landscaping area of approximately 3,927 sq. ft., which amounts to five percent of the total site area.

**C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Nonconforming Situations;**

RESPONSE: The Application does not propose any new development or significant changes to the Site. While existing development may or may not comply with certain development standards, Chapter 17-1.4 does not trigger any upgrades; therefore, the Planning Commission can find that this standard does not apply.

Even if the Commission finds that this standard does apply, it can find that it is met through the following voluntary upgrades:

- adding five parking spaces for a total of 16;
- re-stripping the existing parking lot;
- re-landscaping the existing parking in the existing landscaped area;
- adding an approximately 3,927 sq. ft. landscaped area; and
- relocating all outdoor storage to a screened outdoor storage yard located south of the building.

**D. The proposal complies with all of the Development and Design Standards of Division III, as applicable, including, but not limited to:**

**1. Chapter 17-3.3 Access and Circulation,**

RESPONSE: The Planning Commission can find that the access and circulation regulations either do not apply or are met, as explained below.

**a) Vehicular Access and Circulation (MDC 17-3.3.030).**

**(1) Permit Required (MDC 17-3.3.030.B).**

RESPONSE: A permit is required for a new or modified driveway connection to a public street. The Planning Commission can find that a new access permit is not required because a new or modified access is not proposed along W. Heintz Street. Main Street is a state right-of-way managed by ODOT, and the property's access to Main Street is outside of the Design Review Boundary. The Applicant understands that ODOT may request certain changes to the existing Main Street access, which will be reviewed and approved through an ODOT Access Permit.

**(1) Traffic Study Requirements (MDC 17-3.3.030.C).**

RESPONSE: The proposed change in use is not anticipated to generate a significant number of new trips because there will be no increase in building area. The Planning Commission can find that a traffic study is not necessary and should not be required for this Application. Nevertheless, the Applicant conducted a traffic study (**Exhibit 3**) demonstrating that the proposed use will generate fewer trips than the existing use.

For the above reasons, the Planning Commission can find that this standard either does not apply or, in the alternative, that this standard is met as demonstrated by Exhibit 3.

**(2) Approach and Driveway Development Standards (MDC 17-3.3.030.D–G).**

RESPONSE: The Application does not propose any changes to an approach or driveway. The Planning Commission can find that MDC 17-3.3.030.D–G are not applicable.

**(3) Joint Use Access Easement and Maintenance Agreement (MDC 17-3.3.030.I).**

RESPONSE: The Applicant owns the building and underlying property. The Planning Commission can find that no easement is required.

**b) Pedestrian Access and Circulation.**

RESPONSE: The Application does not propose any changes to pedestrian access or circulation. The Planning Commission can find that pedestrian access and circulation standards do not apply.

**2. Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting,**

RESPONSE: The Application includes a new 3,927 sq. ft. landscaped area at the northwest corner of the Property, which will constitute five percent of the site area. Approximately 65 percent of this area will be comprised of shrubs and trees, while the remaining area will constitute grass and bark.



The Application also includes a new outdoor storage area that will consolidate all existing outdoor storage on the site. This area will be south of the existing building and surrounded with a four-foot tall sight-obscuring fence. The proposed screening is an alteration to a pre-existing, non-conforming use in which the proposed alteration brings outdoor storage closer to code compliance.

No new outdoor lighting is proposed.

For the above reasons, the Commission can find that the Application meets applicable landscaping, fencing, and outdoor lighting standards.

### **3. Chapter 17-3.5 Parking and Loading**

RESPONSE: The Application includes five new parking spaces for a total of 16, with new striping and parking lot landscaping. The parking area will be paved to the extent necessary to meet City parking surface requirements. A single rack for two bicycle parking spaces is proposed along the south end of the building, which meets the minimum requirement in MMC Table 17-3.5.040.A. The Planning Commission can find that the applicable parking requirements for the 32,474 sq. ft. building is satisfied.

#### **c) Screening Requirements (MDC 17-3.4.030.F).**

RESPONSE: The Application includes a revised outdoor storage area that will consolidate all existing outdoor storage within the Design Review Area to a location south of the building and away from Heintz Street. This area is south of the existing building and will be surrounded with a four-foot tall sight-obscuring fence. The proposed screening is an alteration to a pre-existing, non-conforming use in which the proposed alteration brings outdoor storage closer to code compliance. The Commission can find that this standard is met.

### **4. Chapter 17-3.6 Public Facilities, and**

RESPONSE: MDC Chapter 17-3.6 applies to an SDR if public facility improvements are required. As no changes to the building are proposed, the Application does not propose any public facility changes. If these are ultimately required, they can be imposed as conditions of approval.

#### **E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and**

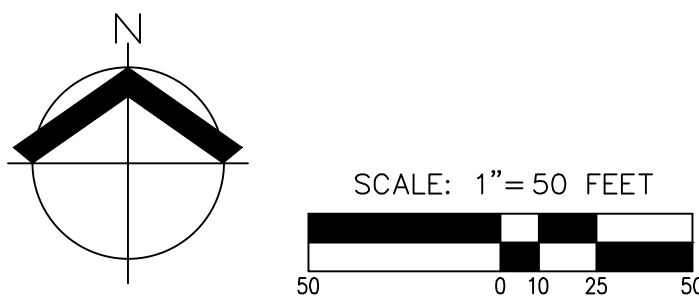
RESPONSE: All warehousing activities will occur indoors or in the screened outdoor storage area, and will not create increased noise, glare, odor, vibration, smoke, dust or visual impact. These changes will not create new nuisances for surrounding property owners and will likely benefit the surrounding areas. For these reasons, the Planning Commission can find that the application satisfies this criterion.

**F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.**

RESPONSE: The Applicant is not aware of any prior conditions of approval that it must now meet.

**III. CONCLUSION.**

For the above reasons, the Planning Commission can find that the criteria for a Site Design Review permit are satisfied.



LEGEND

EXISTING

DECIDUOUS TREE



CONIFEROUS TREE



FIRE HYDRANT



WATER BLOWOFF



WATER METER



WATER VALVE



DOUBLE CHECK VALVE



AIR RELEASE VALVE



SANITARY SEWER CLEAN OUT



SANITARY SEWER MANHOLE



SIGN



STREET LIGHT



MAILBOX



STORM SEWER CLEAN OUT

STORM SEWER CATCH BASIN

STORM SEWER AREA DRAIN

STORM SEWER MANHOLE

GAS METER

GAS VALVE

GUY WIRE ANCHOR

UTILITY POLE

POWER VAULT

POWER JUNCTION BOX

POWER PEDESTAL

COMMUNICATIONS VAULT

COMMUNICATIONS JUNCTION BOX

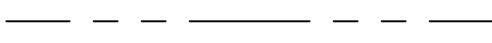
COMMUNICATIONS RISER

EXISTING



EXISTING

RIGHT-OF-WAY LINE



BOUNDARY LINE



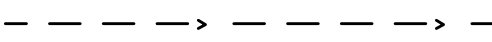
PROPERTY LINE



CENTERLINE



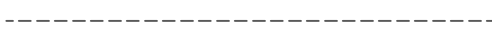
DITCH



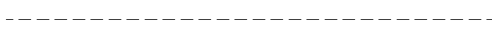
CURB



EDGE OF PAVEMENT



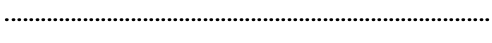
EASEMENT



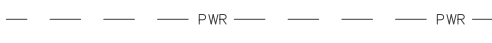
FENCE LINE



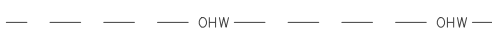
GRAVEL EDGE



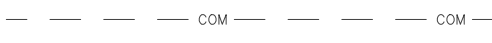
POWER LINE



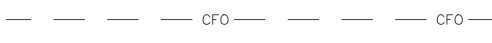
OVERHEAD WIRE



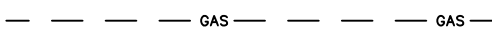
COMMUNICATIONS LINE



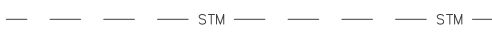
FIBER OPTIC LINE



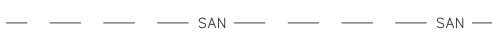
GAS LINE



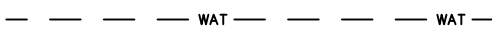
STORM SEWER LINE



SANITARY SEWER LINE



WATER LINE



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	2824.85'	12°47'30"	630.67'	N3°24'21"E 629.36'
C2	2824.73'	9°08'20"	450.56'	S1°34'45"W 450.08'
C3	2824.19'	3°39'15"	180.11'	S7°58'29"W 180.08'

NOTES:

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 18097456, 18097485, 18097548, AND 18097571. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- FIELD WORK WAS CONDUCTED APRIL 25, 2018 AND MAY 30-31, 2018.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON NATIONAL GEODETIC SURVEY BENCHMARK PID: RD1508, LOCATED AT THE NE CORNER OF HIGHWAY 99E AND S BARLOW ROAD WITH AN ELEVATION OF 105.09 FEET (NAVD 88).
- THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
- SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
- BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
- CONTOUR INTERVAL IS 1 FOOT FROM DRONE SURFACE.
- ALL BUILDINGS SHOWN ARE TO REMAIN.

SEE SHEET 2



AKS  
AKS ENGINEERING & FORESTRY, LLC  
12065 SW HERMAN RD., STE 100  
TUALATIN, OR 97062  
503.563.6151  
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES  
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

535 W MAIN STREET

OREGON

MOLALLA  
TAX LOTS 7700 AND 7800

EXISTING CONDITIONS  
PLAN

DESIGNED BY: ML  
DRAWN BY: JDR  
MANAGED BY: JDR  
CHECKED BY: RDR/JDR  
DATE: 04/23/2021  
REGISTERED PROFESSIONAL LAND SURVEYOR  
JANUARY 2005  
ROBERT D. RETTIG  
#17245  
REVIEWS: 12/31/22  
REVISIONS:

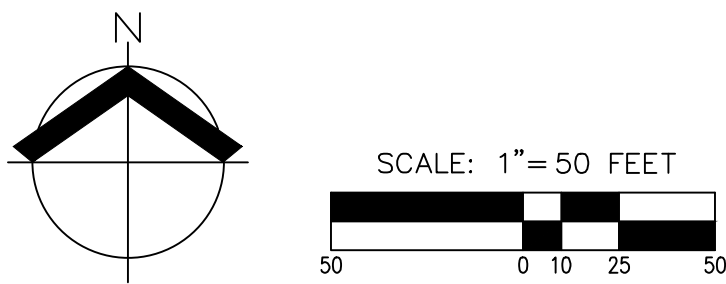
JOB NUMBER  
6692-01

SHEET

1

EXHIBIT 1





NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 18097456, 18097485, 18097548, AND 18097571. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
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4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
5. SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
6. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
7. CONTOUR INTERVAL IS 1 FOOT FROM DRONE SURFACE.
8. ALL BUILDINGS SHOWN ARE TO REMAIN.

SEE SHEET 1



**AKS**  
AKS ENGINEERING & FORESTRY, LLC  
12065 SW HERMAN RD., STE 100  
TUALATIN, OR 97062  
503.563.6151  
WWW.AKS-ENG.COM

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**535 W MAIN STREET**

**MOLALLA OREGON**

TAX LOTS 7700 AND 7800

**EXISTING CONDITIONS  
PLAN**

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: ML  
MANAGED BY: JDR  
CHECKED BY: RDR/JDR  
DATE: 04/23/2021

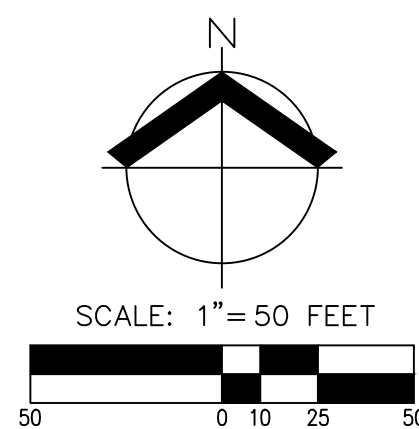
REGISTERED PROFESSIONAL LAND SURVEYOR  
JANUARY 2005  
ROBERT D. RETTIG  
01224LS

REVISIONS: 12/31/22

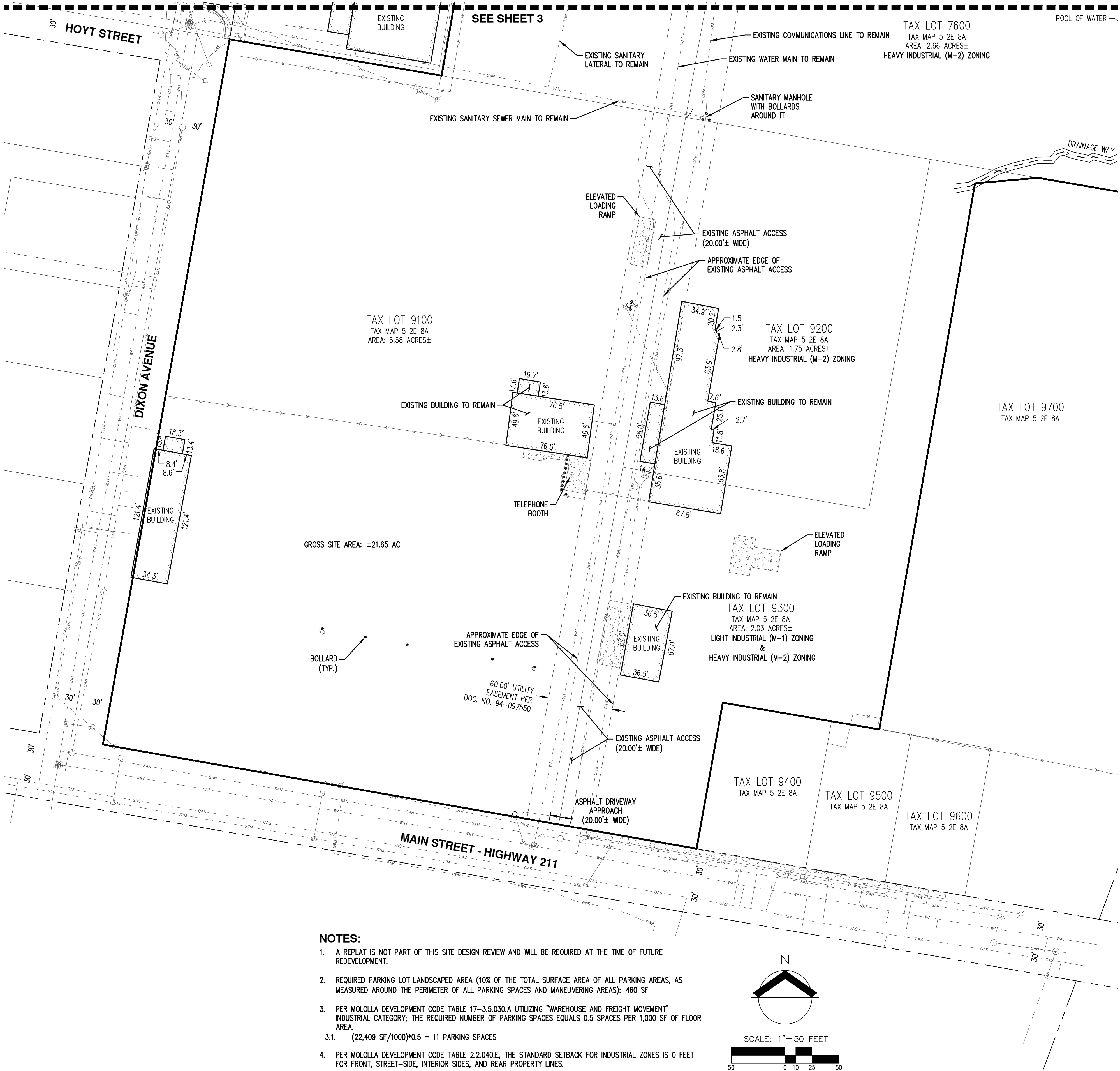
JOB NUMBER  
6692-01

SHEET  
**2**

1. A REPLAT IS NOT PART OF THIS SITE DESIGN REVIEW AND WILL BE REQUIRED AT THE TIME OF FUTURE REDEVELOPMENT.
2. REQUIRED PARKING LOT LANDSCAPED AREA (10% OF THE TOTAL SURFACE AREA OF ALL PARKING AREAS, AS MEASURED AROUND THE PERIMETER OF ALL PARKING SPACES AND MANEUVERING AREAS): 648 SF
3. PER MOLALLA DEVELOPMENT CODE TABLE 17-3.5.030.A UTILIZING "WAREHOUSE AND FREIGHT MOVEMENT" INDUSTRIAL CATEGORY; THE REQUIRED NUMBER OF PARKING SPACES EQUALS 0.5 SPACES PER 1,000 SF OF FLOOR AREA.
  - 3.1.  $(32,474 \text{ SF}/1000)*0.5 = 16 \text{ PARKING SPACES}$
4. PER MOLALLA DEVELOPMENT CODE TABLE 2.2.040.E, THE STANDARD SETBACK FOR INDUSTRIAL ZONES IS 0 FEET FOR FRONT, STREET-SIDE, INTERIOR SIDES, AND REAR PROPERTY LINES.
5. ALL BUILDINGS SHOWN ARE TO REMAIN.







- NOTES:**
1. A REPLAT IS NOT PART OF THIS SITE DESIGN REVIEW AND WILL BE REQUIRED AT THE TIME OF FUTURE REDEVELOPMENT.
  2. REQUIRED PARKING LOT LANDSCAPED AREA (10% OF THE TOTAL SURFACE AREA OF ALL PARKING AREAS, AS MEASURED AROUND THE PERIMETER OF ALL PARKING SPACES AND MANEUVERING AREAS): 460 SF
  3. PER MOLALLA DEVELOPMENT CODE TABLE 17-3.5.030.A UTILIZING "WAREHOUSE AND FREIGHT MOVEMENT" INDUSTRIAL CATEGORY; THE REQUIRED NUMBER OF PARKING SPACES EQUALS 0.5 SPACES PER 1,000 SF OF FLOOR AREA.  
3.1.  $(22,409 \text{ SF}/1000) \times 0.5 = 11 \text{ PARKING SPACES}$
  4. PER MOLALLA DEVELOPMENT CODE TABLE 2.2.040.E, THE STANDARD SETBACK FOR INDUSTRIAL ZONES IS 0 FEET FOR FRONT, STREET-SIDE, INTERIOR SIDES, AND REAR PROPERTY LINES.
  5. ALL BUILDINGS SHOWN ARE NOT TO BE REMOVED.

AKS

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

535 W MAIN STREET

MOLALLA

OREGON

SITE DESIGN REVIEW

TAX LOTS 7700 AND 7800

DESIGNED BY: JDR

DRAWN BY: JDR

MANAGED BY: JDR

CHECKED BY: MBH

DATE: 04/23/2021

REGISTERED PROFESSIONAL  
ENGINEER  
NO. 10174  
J. D. RAUGUST  
RENEWAL DATE: 12/31/22

REVISIONS

JOB NUMBER  
6692-01

SHEET  
4

AKS DRAWING FILE: 6692 - SITE PLAN 4.DWG | LAYOUT: 4

EXHIBIT 1



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

January 24, 2020

ODOT #10443

## ODOT Response

<b>Project Name:</b> Scandia LLC	<b>Applicant:</b> Scandia, LLC
<b>Jurisdiction:</b> City of Molalla	<b>Jurisdiction Case #:</b> Pre-App01-2020
<b>Site Address:</b> 525 and 535 W Main Street, Molalla, OR	<b>Legal Description:</b> 05S 02E 08A <b>Tax Lot(s):</b> 07800
<b>State Highway:</b> OR 211	

The site of these proposed land use actions would utilize the existing eastern access to Main St (OR 211) through tax lot 9100. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

### COMMENTS/FINDINGS

The applicant has requested a pre-application request with the City of Molalla and intends to apply for land use applications for the existing Scandia and PBIS uses on the site as well as possible new uses located on tax lot 7800. The proposed uses on tax lot 7800 would access the highway through the existing eastern access to Main St (OR 211). This existing access is currently providing access to the highway for tax lots 7800, 7700, 7600, 9200, 9300 and 9100. ODOT has received information from the City of Molalla that none of the existing uses on these tax lots have been approved through the land use process. Based on this information, the existing highway connections to tax lot 9100 cannot "presumed to be permitted" by ODOT because ODOT cannot confirm any authorized uses for the property utilizing the connections (OAR 734-051).

Therefore, State Highway Approach Road Permits will be required for any proposed accesses to the state highway. ODOT cannot accept an application for a State Highway Approach Road Permit for land uses not approved by the City of Molalla unless all the land uses that utilize the accesses have pending land use applications with the city. OAR 734-051-3040(8)(c) prohibits the department from issuing a Permit to Maintain and Operate a highway approach until ODOT receives certification from the local government documenting all land development approval are final.

It is our understanding that tax lots 7800, 7700, 7600, 9200, 9300 and 9100 are currently under single ownership and access easements have not been established for all tax lots to access OR 211 (Main Street) through tax lot 9100. Since ownership of the tax lots may change in the future, ODOT recommends that access easements be established to tax lot 9100 to provide a single shared access to OR 211.

## ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

### Access to the State Highway

- ☒ A State Highway Approach Road Permit from ODOT for access to the state highway is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51. For application information go to <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>.

Note: It may take **2 to 3 months** to process a State Highway Approach Road Permit.

- ☒ The applicant shall record cross-over access easements to the adjacent properties with state highway frontage with the County Assessor to facilitate future shared access. Shared access will improve highway safety by reducing potential conflicts between vehicles and between vehicles and pedestrians and bicyclists at closely spaced driveways and will implement ODOT and City Access Management Program goals.

### **Please send a copy of the Land Use Notice to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[ODOT\\_R1\\_DevRev@odot.state.or.us](mailto:ODOT_R1_DevRev@odot.state.or.us)

Development Review Planner: Marah Danielson	503.731.8258, <a href="mailto:marah.b.danielson@odot.state.or.us">marah.b.danielson@odot.state.or.us</a>
Traffic Contact: Avi Tayar, P.E.	503.731.8221 <a href="mailto:Abraham.tayar@odot.state.or.us">Abraham.tayar@odot.state.or.us</a>
District Contact: Loretta Kieffer	503.667.7441 <a href="mailto:Loretta.L.kieffer@odot.state.or.us">Loretta.L.kieffer@odot.state.or.us</a>



February 22, 2021

Scandia USA  
Attention: Mike Rogers, Director of Operations  
337 Merrick Road  
Lynbrook, NY 11563

Re: **Scandia – 525 W Main Street – Molalla, Oregon**  
*Transportation Analysis Letter*

C&A Project Number 20210101.00

Dear Mr. Rogers,

This transportation analysis letter supports the proposed Scandia land use actions and addresses Molalla Site Design Review requirements. The following items are specifically addressed:

1. Property Description and Proposed Land Use Actions
2. Transportation Analysis Requirements
3. Development Trip Generation
4. Transportation Analysis Findings

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The subject property, described as tax lot 7800 on Clackamas County Assessor's Map 52E08A, is addressed 525 W Main Street, Molalla, Oregon. The property is 3.3 acres in size and is located north of W Main Street (OR 211) with direct access to this roadway. The property is developed with an industrial warehouse use that includes outside storage. The site was previously occupied by Scott's Lawn & Garden, a national manufacturer and distributor of lawn care products. The subject site is illustrated in the attached site plan and Figure 1.

Proposed land use actions include Site Design Review (SDR) for minor site improvements to accommodate Scandia, a national supplier of conveyor belting and related products. The existing warehouse building will remain unchanged (in terms of size) and site circulation patterns will generally remain unchanged. The site will continue to access W Main Street (OR 211) in the currently established location.

## 2. TRANSPORTATION ANALYSIS REQUIREMENTS

In addressing SDR requirements concerning transportation, the relevant portions of Molalla Municipal Code (MMC) state:

**Section 17-4.2.020 – Applicability** – *Site Design Review approval is required for new development. Site Design Review approval is also required to expand a nonconforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:*

- A. *Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development.*

**Section 17-4.2.040.A.2 – Public Facilities and Services Impact Study** – *The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 17-3.6.020.A(4)."*

**Section 17-3.6.020.A.4 – Transportation Standards** – *The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Transit Analysis Letter (TAL) or Traffic Impact Analysis (TIA) must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a TAL/TIA; and who is qualified to prepare the analysis.*

- a. **Determining the Required Level of Transportation Analysis and Documentation.** *A Transportation Impact Analysis (TIA) is required for developments that are expected to have an impact on the transportation system. The analysis shall be based upon the latest edition of the ITE Trip Generation Manual or an agreed-upon alternative methodology where credible data is available to support the alternative methodology. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIA. At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIA when a development meets all the following criteria:*
  - (1) *The development generates fewer than 25 peak hour trips during either the AM or PM peak hour. (Two examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 25 or fewer single-family residences or a general office building less than 15,000 square feet.)*
  - (2) *The development is not expected to impact intersections that currently fail to meet the City's level of service standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.*

- (3) *The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones.*
  - (4) *The development generates an increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by less than 10 vehicles per day.*
- b. **Transportation Analysis Letter Contents.** *If the City determines, based on information provided by the applicant and in accordance with the criteria specified in Section 3.1, that a TAL is the appropriate document to submit. the following requirements shall apply.*
- (1) *The TAL shall be prepared by or prepared under the direct supervision of a registered professional engineer who shall sign and stamp the TAL.*
  - (2) *The TAL shall include the following:*
    - i. *The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.*
    - ii. *Site plan showing the location of all access driveways or private streets where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development.*
    - iii. *Documentation that all site access driveways meet City of Molalla Private Access Driveway Width Standards.*
    - iv. *Documentation that all site access driveways meet the City of Molalla's Minimum City Street Intersection Spacing Standards.*
    - v. *Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.*
    - vi. *Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.*
    - vii. *Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming, and other attributes as appropriate.*

### 3. DEVELOPMENT TRIP GENERATION

The site was previously occupied by Scott's Lawn & Garden, a national manufacturer and distributor of lawn care products. The applicant is proposing minor site improvements to accommodate Scandia, a national supplier of conveyor belting and related products. The existing warehouse building will remain unchanged (in terms of size) and site circulation patterns will generally remain unchanged.

The following business operations information has been provided by the property broker and the owner for the previous and proposed uses:

- **Previous Use** - Scott's Lawn & Garden had 40 on-site employees and averaged approximately 100 weekly entering and exiting truck trips (200 trips total). Scott's did not have on-site retail sales.
- **Proposed Use** – Scandia will have 4-5 on-site employees and will average 25-30 weekly entering and exiting truck trips (60 trips total). Employees will arrive in the morning and remain on-site throughout the day. Scandia will not have on-site retail sales.

Based on the applicant-provided data, proposed development trip generation is anticipated to be less than 30 trips per day and will also be significantly less than previous development trip generation, noting there are significantly fewer employees and fewer truck trips.

It is further noted the proposed site improvements will not increase the warehouse building area. As such, if trip generation is estimated using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition, using building size as the independent variable, there will be no increase in development trip generation. These trip generation estimates are presented in the following table.

TABLE 1 – DEVELOPMENT TRIP GENERATION									
Land Use (ITE Code)	Building Description <sup>1</sup>	Size	Daily <sup>2</sup>	AM Peak Hour <sup>3</sup>			PM Peak Hour <sup>3</sup>		
				Enter	Exit	Total	Enter	Exit	Total
Warehousing (150)	Total Building Area	32,474 SF	97	4	2	6	1	5	6
	Site Design Review Building Area	22,409 SF	81	3	1	4	1	3	4

<sup>1</sup> Only a portion of the building is part of this SDR lane use action. Refer to the attached site for building areas.

<sup>2</sup> Trip generation determined using the *Fitted Curve* equation based on ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition recommended practice.

<sup>2</sup> Trip generation determined using the *Average Rate* based on ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition recommended practice.

Overall, the proposed change in occupancy from Scott's Lawn & Garden to Scandia is anticipated to result in a decrease in motor vehicle (truck and automobile) trip generation and the warehouse building size will remain unchanged.

#### 4. TRANSPORTATION ANALYSIS FINDINGS

The following findings are based on materials contained in this letter:

1. Based on a comparison of the proposed and previous uses, there will be a decreased transportation system impact. The proposed development generates fewer than 25 AM or PM peak hour trips.
2. The proposed development will not significantly impact intersections currently exceeding City level-of-service (LOS) standards or intersections operating near acceptable LOS thresholds during a peak operating hour. The subject development is an allowed use in the existing zone designation and has less transportation impact than the previous development; therefore, transportation system impacts resulting from the subject land use application have been adequately accounted for in the Molalla Transportation System Plan (TSP) and the Capital Improvement Plan (CIP).
3. The proposed development will not significantly impact adjacent roadways and intersections with high crash rates, areas with an identified safety concern, or areas with a high concentration of pedestrians or bicyclists such as school zones.
4. The proposed development trip generation is significantly less than previous development trip generation, noting there are significantly fewer employees and fewer truck trips. As such, there are fewer trips generated by vehicles exceeding a 20,000-pound gross vehicle weight and there will be fewer than 10 daily trips of this type.
5. The attached site plan and Figure 2 depict the proposed property access location to W Main Street (OR 211) (which is the same as the existing), which is under Oregon Department of Transportation (ODOT) jurisdiction. There are no nearby driveways from abutting properties or driveways on the opposite side of the roadway.
6. The proposed access to W Main Street (OR 211) is permitted by ODOT and meets relevant ODOT standards concerning width and spacing are there are no inherent safety issues associated with the design and location of the site access,
7. The proposed property access location to W Main Street (OR 211) (which is the same as the existing) meets the American Association of State Highway Transportation Officials (AASHTO) intersection sight distance guidelines.
8. Based on a review of the Molalla TSP, the proposed improvements comply with all applicable standards regarding roadway functional classification, typical roadway sections, access management, traffic calming, and other attributes as appropriate.

Sincerely,



Christopher M. Clemow, PE, PTOE  
Transportation Engineer

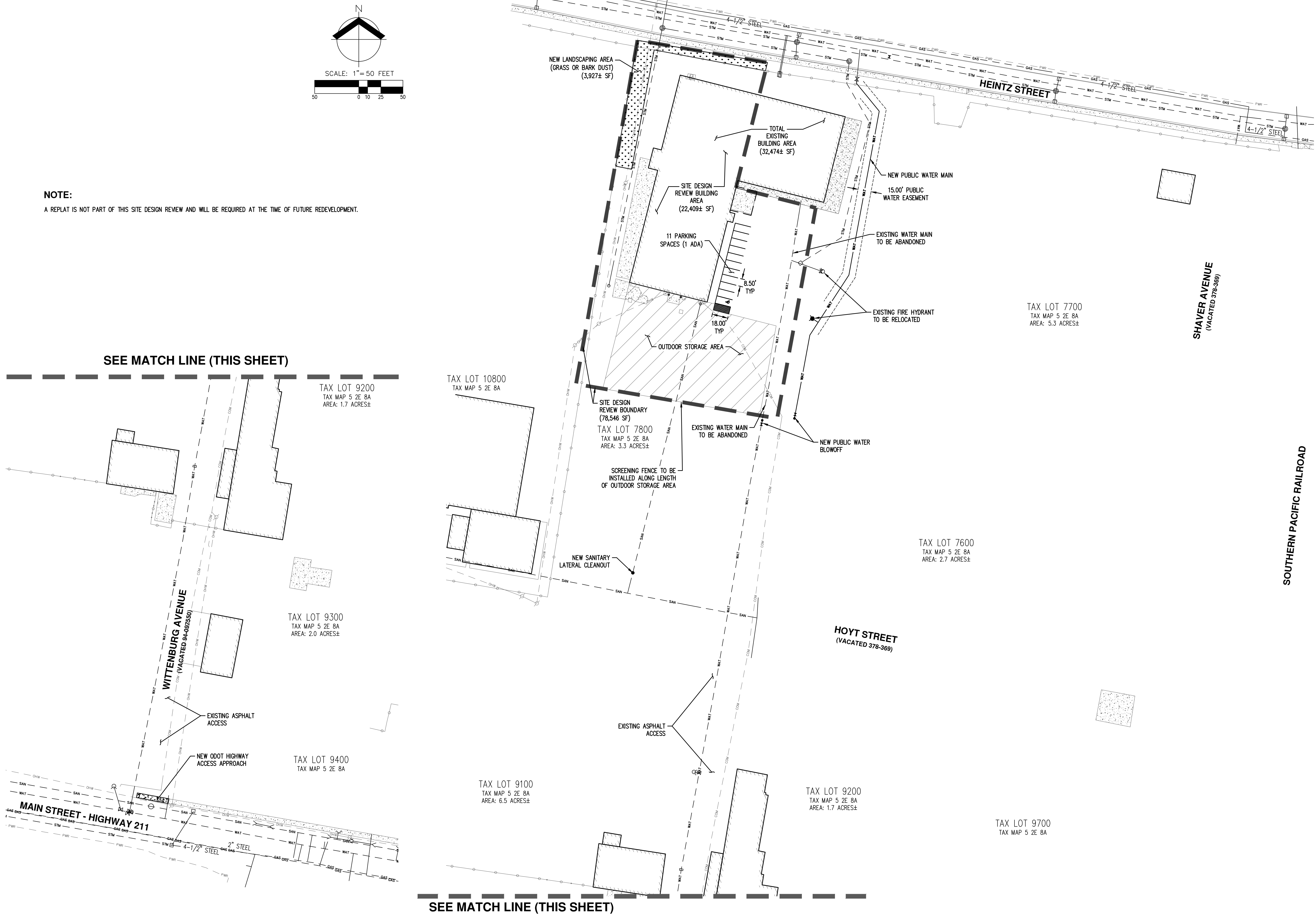
Attachments: Site Plan, Figures 1 and 2

c: Michael C. Robinson, Schwabe Williamson & Wyatt





AKS DRAWING FILE: 6692 - SITE PLAN 3.DWG | LAYOUT: LAYOUT1



**NOTE:**  
A REPLAT IS NOT PART OF THIS SITE DESIGN REVIEW AND WILL BE REQUIRED AT THE TIME OF FUTURE REDEVELOPMENT.

AKS

AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Dr., Ste. 130  
Bend, OR 97703  
541.317.9429  
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES  
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

535 W MAIN STREET

MOLALLA

TAX LOTS 7700 AND 7800

PRELIMINARY  
LAYOUT #3

DESIGNED BY: JDR  
DRAWN BY: JDR  
MANAGED BY: JDR  
CHECKED BY: MBH  
DATE: 1/28/2021

REVIEW  
COPY

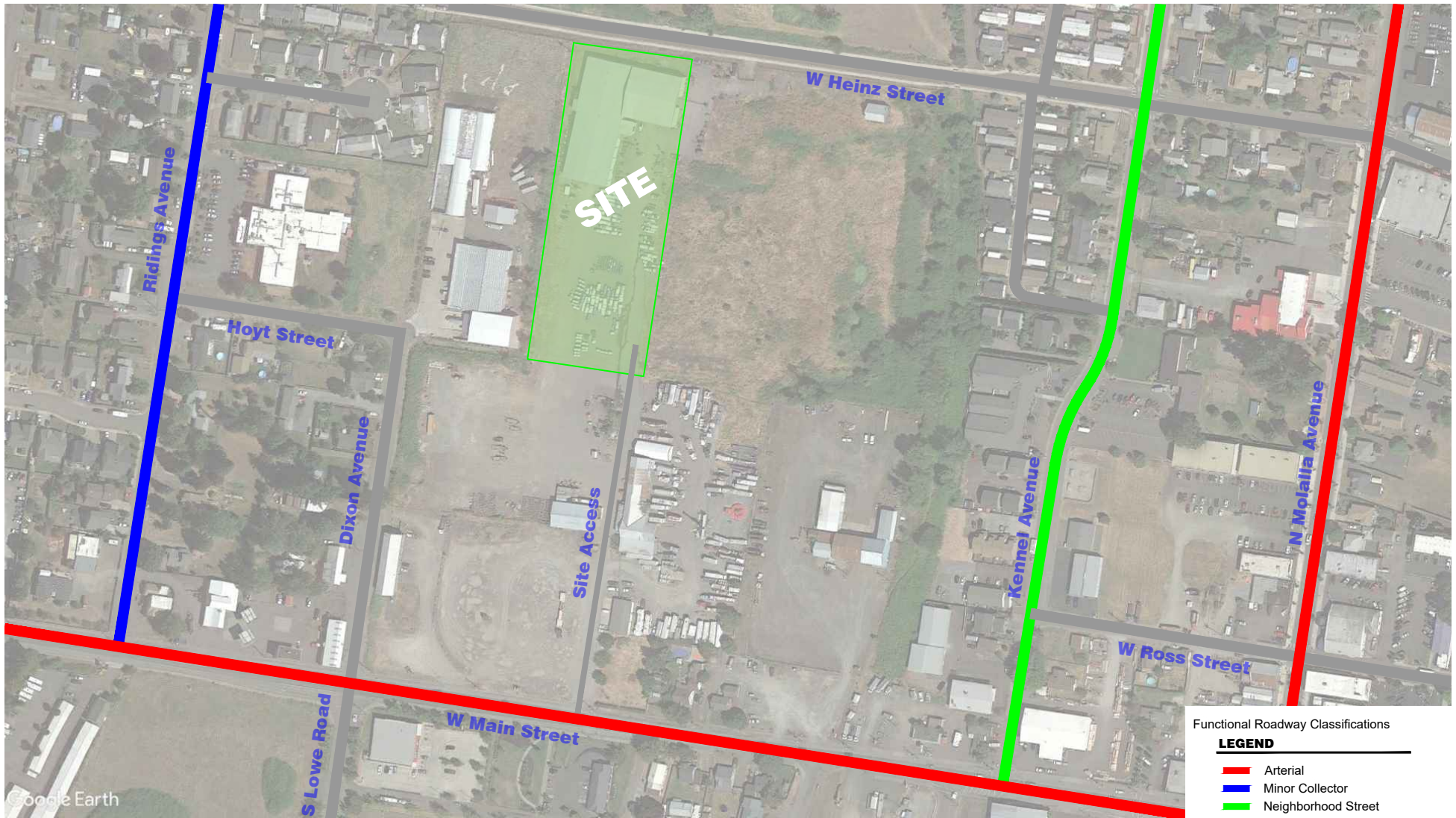
REVISIONS

JOB NUMBER  
6692

SHEET  
1 OF 1

OREGON

CLACKAMAS COUNTY TAX MAP 5 2E 8A



1582 Feters Loop  
Eugene, Oregon 97402  
541-579-8315  
cclemow@clemow-associates.com

#### SITE AREA

Scandia - Molalla, Oregon

C&A Project No. 20210101.00

FIGURE

1





1582 Feters Loop  
Eugene, Oregon 97402  
541-579-8315  
cclemow@clemow-associates.com

# **SITE ACCESS**

Scandia - Molalla, Oregon

C&A Project No. 20210101.00

**FIGURE**

**2**



**EXHIBIT C:**  
Application Addendum  
Clarifying Proposed Uses



Planning Department  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
[communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)

## SDR02-2021

### *Email From Mike Rogers Clarifying Proposed Onsite Uses*

Dan,

To clarify, the Scandia Midwest LLC facility in Molalla is a distribution facility for conveyor belting that is manufactured elsewhere. Daily activities include shipping, receiving & fabrication of belting, i.e. cutting to length, slitting to width, installation of mechanical fasteners, attachment of cleats but there is no manufacturing performed at this location. Therefore, there are no fumes produced.

We trust this information is sufficient to alleviate the concerns of the citizen who was worried about fumes as well as any other concerned parties.

We appreciate your reaching out for clarification & let us know if we can provide any additional assistance.

Best regards,

Mike

Mike Rogers

Director of Operations



704-560-3888

**EXHIBIT E:**

*Molalla Fire Department Comments*



**Public Works Department**

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

May 19, 2021

TO: Mac Corthell, Planning Director  
Dan Zinder, Assistant Planner  
Julie Larson, Planning Specialist

FROM: Gerald Fisher, Public Works Director

**RE: 525-535 W Main Street – Scandia (SDR02-2021)**

Based on a review of the materials submitted, Staff has prepared the following comments. These comments are applicable to the subject application; any subsequent modifications may require amendments and/or additions. These conditions do not include requirements already set forth in the municipal code.

**CONDITIONS**

1. Specific Requirements to This Site:

A. Street:

1. Unless otherwise required by ODOT, this development review will not require a traffic impact analysis update.
2. Heintz Street: No improvements to Heintz Street are required. Access to Heintz Street shall be limited to vehicles equal to or smaller than a WB-50 truck and trailer.
3. W. Main Street (OR 211): No tracking on to W Main Street shall be allowed and all surfaces for vehicular access on to W Main Street shall be paved. Access onto W Main Street and any associated improvements shall be per ODOT recommendation/requirements.
4. Transportation SDC's – In accordance with MMC 13.14 this site design review does not increase the impacts to the public improvement facility and is therefore exempt from transportation SDC charges.

B. Storm:

1. Applicant appears to be utilizing an existing drainageway to the railroad spur. No additional surface improvements that would trigger water quality or detention appear to be proposed.
2. Stormwater SDC's – In accordance with MMC 13.14 this site design review does not increase the impacts to the public improvement facility and is therefore exempt from stormwater SDC charges.

C. Sanitary:

1. No new connections to the sanitary system are proposed in the Applicants proposal.
2. Applicant will be required to dedicate a public sewer easement to the City for the onsite public sewer.
3. Sanitary SDC's – In accordance with MMC 13.14 this site design review does not

increase the impacts to the public improvement facility and is therefore exempt from sanitary SDC charges.

D. Water:

1. The existing waterline on the site served the old lumber mill property, does not meet current standards, and is not a looped system. Applicant will be required to extend a new 8-inch waterline from the stubbed waterline near the northeast corner of the building south around the east side of the building and south along the old Wittenberg roadway alignment to the south end of 535 W Main and end and reconnect to existing waterline. Applicant will be required to replace the existing fire hydrant, add any new hydrant or appurtenances required by the Fire Marshall, and connect new line to the suppression system. New line shall be in a 15-foot-wide public waterline easement. Once easement is recorded by the City, the City will quit claim the Wittenberg easement north of the northerly extension of the north right-of-way line of Hoyt Street. Once Applicants work is completed, the City will install a new 8" waterline from W Main Street north to connect to waterline extension thereby looping the waterline.
2. Water SDC's – In accordance with MMC 13.14 this site design review does not increase the impacts to the public improvement facility and is therefore exempt from water SDC charges.

E. Parks:

1. Parks SDC's – In accordance with SMC 13.70.110 this industrial site design review is exempt from parks SDC charges.

F. Franchise Utility Services:

1. All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city.

## **DESIGN REQUIREMENTS & POLICIES**

a. General Requirements:

- A. For residential development projects, all public improvements shall be completed and accepted by the Public Works Department prior to issuance of building permits. No connections to City service shall be allowed until public improvements are completed. For commercial and industrial development projects, all public improvements shall be completed and accepted by the Public Works Department prior to issuance of any occupancy.
- B. From the materials submitted, it appears that the storm drain, domestic water, and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.
- C. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, bonding, right-of-way, and easements have been obtained and approved by staff, and Staff is notified a minimum of 24 hours in advance.
- D. Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements if additional modifications or expansion of the sight distance onto adjacent streets is required.

- E. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Molalla Public Work's Standards.
- F. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated, or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- G. Plans submitted for review shall meet the requirements described in Section 1 of the Molalla Standard Specifications for Public Works Construction.
- H. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards and supply the City with a copy of the final document.
- ~~I. Sanitary sewer designs require review by Oregon Department of Environmental Quality. Applicant shall be responsible for submission of plans to state agency and all associated fees. Applicant's Engineer will be required to submit final report to DEQ and provide a copy of the report to the City.~~
- J. All utilities will be stubbed out to the far end of each street for future extension. The project shall utilize existing water, sewer, and storm water 'stub-outs' wherever possible. Water for domestic and fire protection shall be looped through the proposed site. Any 'stub-outs' determined to be not needed for the proposed development or any future development of the subject property shall be abandoned in accordance with the Molalla Standard Specifications for Public Works Construction.
- K. All public improvement designs shall meet the requirements of the Molalla Standard Specifications for Public Works Construction as amended by the Public Works Director.
- L. General Easements – A 10-foot-wide public utility easement shall be dedicated to the City adjacent to all public right-of-way and no structures are allowed to encroach into the easement. Applicant shall be required to submit a legal description and exhibit map for review and sign City easements. Once completed, applicant will be required to record easements with the County Recorder's Office and return the original document to the City prior to final occupancy.
- M. General Wetland Requirements – The applicant will be required to provide Public Works with a letter of concurrence from the Department of State Lands regarding any wetlands on the subject property.
- N. General Erosion Control – The applicant shall install, operate, and maintain adequate erosion control measures in conformance with the standards adopted by the City of Molalla and DEQ during the construction of any public/private utility and building improvements until such time

as approved permanent vegetative materials have been installed. Applicant or Applicant's Contractor shall be responsible for all erosion control requirements under the 1200-C permit and shall coordinate directly with DEQ for questions related to 1200-C permit compliance.

**EXHIBIT D:**  
*Molalla Public Works Comments*





*Planning Department  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
[communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)*

## SDR02-2021 – Comments From Molalla Fire

1. Evaluate the current suppression system to make sure its design will handle the commodity that they will have on hand and for what height.
2. I'm not 100% sure of the current building classification. Business vs Storage vs Factory. They may need a change of use if the building has not already undergone one. They should contact Clackamas Building Department to make sure.
3. Yard storage will need to be as per Chapter 34 of the Oregon Fire Code.
4. Plans for storage racking will need to be submitted to Clackamas County for approval and permitting.

**EXHIBIT F:**  
*Oregon Department of Transportation (ODOT)*  
*Comments*



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

June 2<sup>nd</sup>, 2021

ODOT #10443

## ODOT Response

<b>Project Name:</b> Scandia LLC	<b>Legal Description:</b> 05S 02E 08A <b>Tax Lot(s):</b> 07800
<b>Jurisdiction:</b> City of Molalla	<b>State Highway:</b> OR 211
<b>Site Address:</b> 525 and 535 W Main Street, Molalla, OR	

The site of this proposed land use action has access to OR 211. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

### COMMENTS/FINDINGS

The Site Design Review is for minor site improvements on tax lots 7700 and 7800 to accommodate Scandia, a national supplier of conveyor belting and related products. The site will continue to access Main St (OR211) through tax lot 9100 along the vacated Whittenburg Ave right of way. A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach is legal for the proposed use is required. The approach will be required to be brought up to current ODOT standards.

It is our understanding that tax lots 7800, 7700, 7600, 9200, 9300 and 9100 are currently under single ownership and access easements have not been established for all tax lots to access OR 211 (Main Street) through tax lot 9100. Since ownership of the tax lots may change in the future, ODOT recommends that access easements be established to tax lot 9100 to provide a single shared access to OR 211.

All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

#### Access to the State Highway



A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51. For application information go to <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>.

Note: It may take **2 to 3 months** to process a State Highway Approach Road Permit.

- ☒ The applicant shall record cross-over access easements to access OR 211 via tax lot 9100 for tax lots 7800, 7700, 7600, 9200, and 9300 with the County Assessor to facilitate future shared access. Shared access will improve highway safety by reducing potential conflicts between vehicles and between vehicles and pedestrians and bicyclists at closely spaced driveways and will implement ODOT Access Management Program goals.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[ODOT\\_R1\\_DevRev@odot.state.or.us](mailto:ODOT_R1_DevRev@odot.state.or.us)

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221
District Contact: Loretta Kieffer	503.667.7441 Loretta.l.kieffer@odot.state.or.us

**EXHIBIT G:**  
*Public Comment and Staff Responses*

## Dan Zinder

---

**From:** Mac Corthell  
**Sent:** Monday, June 7, 2021 8:25 AM  
**To:** thomascsalisbury@gmail.com  
**Cc:** Dan Zinder; Julie Larson  
**Subject:** RE: Regarding SDR02-2021

Hello Mr. Salisbury,

Thank you for your comments on SDR02-2021, they will be added to the file and read into the record at the Land Use hearing on 7/7/21.

As an aside, City Staff does not advocate one way or the other for proposed development, but I do want you to be aware that the business in this application has been operating on the site since before I got here 9 months ago. They just did not have the appropriate land use approvals in place so I required them to obtain them and that is the process we are going through now, so there shouldn't be a change in the environmental factors you mentioned. With all of that said, your concerns will be shared with the Planning Commission and ICL America will have a chance to respond to them at the hearing.

Please feel free contact me if you have any additional comments or concerns, and thank you for your time.

Sincerely,

**Macahan “Mac” Corthell, J.D. | Planning Director**  
**City of Molalla**

117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038

Phone - [503.829.6855](tel:503.829.6855)

Fax – [503.829.3676](tel:503.829.3676)

Email – [mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)

Website – <http://www.cityofmolalla.com>

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**From:** Thomas Salisbury <[thomascsalisbury@gmail.com](mailto:thomascsalisbury@gmail.com)>  
**Sent:** Monday, June 7, 2021 5:49 AM  
**To:** Dan Zinder <[dzinder@cityofmolalla.com](mailto:dzinder@cityofmolalla.com)>  
**Subject:** Regarding SDR02-2021

I will not be able to attend the July 7th hearing so please feel free to read the following. If you have any questions before the hearing please feel free to contact me.

To Associate Planner Dan Zinder and all Molalla residents.

I am a resident of Molalla and am concerned about the changes requested by ICL America. I and a truck driver and have been to many other belt manufacturers. The smell of burnt rubber will extent far beyond the notification map. The air quality is something we residents already have concerns with regarding a business at the West end of Toliver and now we face a new challenge. I plead with all of you to reject this request. The current business Pacific Belt deals in rubber

belts but is not manufacturing them on-site. Visual improvements to this location may be appealing however the addition noise, smell and truck traffic on Main St is not what our community needs in this area. I live within 200' in a residential area but the issues I've mentioned will affect the whole town. Thank you for your time and consideration.

Concerned Molalla resident

## Dan Zinder

---

**From:** Mac Corthell  
**Sent:** Monday, June 7, 2021 8:09 AM  
**To:** David Little  
**Cc:** Dan Zinder; Julie Larson  
**Subject:** RE: Question about new Factory

Hello Mr. Little,

Thank you for the inquiry, I truly appreciate that you actually reach out and inquire to get real information, it's a breath of fresh air. Based on the misconceptions in his statement, Mr. Salisbury clearly hasn't spoken to City Staff yet, but it sounds like we'll have an opportunity to get him on the right sheet of music soon if he reached out to Associate Planner, Zinder.

The business is a rubber belt manufacturing company, they don't manufacture rubber, just turn it into conveyer belts. They have been operating on the site since before I got here 9 months ago, but did not have the appropriate land use approvals in place so I required them to obtain them and that is the process we are going through now. If approved there will be no change in smell, noise, or traffic from what is occurring now and for over a year before now, just a legalized and improved site.

This is a Type III, quasi-judicial action so it goes before planning commission on July 7<sup>th</sup>, not the City Council as Mr. Salisbury states. You and anyone else who would like to attend and provide comment are more than welcomed, or you can provide it to us via email and we will read it into the record for the Commission. With all of that said, this is simply an attempt to legalize a site that has been operational for some time, but had not been required to go through the appropriate processes and make the required improvements, we are remedying those shortfalls.

Please let me know if you have any more questions or concerns. I hope you too are enjoying the best time of year to be an Oregonian!

-Mac

**Macahan "Mac" Corthell, J.D. | Planning Director**  
**City of Molalla**

117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038

Phone - [503.829.6855](tel:503.829.6855)

Fax - [503.829.3676](tel:503.829.3676)

Email - [mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)

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**From:** David Little <davestuff@molalla.net>  
**Sent:** Monday, June 7, 2021 7:49 AM  
**To:** Mac Corthell <mcorthell@cityofmolalla.com>  
**Cc:** davestuff@molalla.net  
**Subject:** Question about new Factory

Hi Mac,



I trust you are having a good spring/summer season? I was wondering if you could comment on this notice from Thomas Salisbury I saw online about a rubber processing plant going up?

**Rubber manufacturer.** There is a rubber belt manufacturer that wants to set up in the center of Molalla. Only residents close to Heinz, Pegasus, Kennel and Ridings were notified. I urge the whole town to oppose this as the smell will travel much further than the notified area. There will be increased truck traffic on main st and increased noise in the immediate area. I've responded to the assistant planner but there is a hearing July 7th at the City council meeting I cannot attend. We didn't like the smell and noise from the cannabis oil factory and this will be worse. Please attend and or respond if you received the notice.

Is this anything we need to be on top of living in the Molalla City Limits?

Thanks

Dave Little-503-516-8811



## ORDINANCE NUMBER 2021-10

### AMENDING MOLALLA MUNICIPAL CODE SECTIONS 17-2.2.030 Allowed Uses

**WHEREAS**, Statewide Planning Goal 9 encourages limiting uses “on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses;” and

**WHEREAS**, Goals 9 and 10 of the Molalla Comprehensive Plan identify Industrial and Residential uses as incompatible; and

**WHEREAS**, Industrial and Residential zones abut each other on the current Molalla Zoning Map; and

**WHEREAS**, Some Residential uses are allowed in Commercial zones, which also abut Industrial zones; and

**WHEREAS**, Conditional Use Permits are designed to allow Staff and Planning Commission oversight to reconcile potential conflicts of compatibility between abutting uses.

**Now, Therefore, the City of Molalla Ordains as follows:**

**Section 1.** Molalla Municipal Code (MMC) Section 17-2.2.030 is amended to include a new subsection “K” as shown in Exhibit “B.”

**Section 4.** Effective Date. The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this XX day of Month, 2021.

---

Mayor, Scott Keyser

ATTEST:

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Christie DeSantis, City Recorder

# Staff Report For ORD 2021-10

## Planning Commission Discussion

**Subject:** A proposal to amend Molalla Municipal Code (MMC) Section 17-2.2.030 to require Conditional Use Permits for mitigating noise, odor, and other potential sources of incompatibility between Residential and Industrial uses.

**Staff Recommendation:** Recommend adoption of ORD2021-10 to the Molalla City Council.

**Date of Meeting to Be Presented:** July 7<sup>th</sup>, 2021 – Planning Commission

**Fiscal Impact:** N/A

**Background:** Compatibility concerns between residential and industrial uses were initially raised on March 3<sup>rd</sup>, 2020 in response to a proposed development in which the Molalla Planning Commission expressed that existing Development Code did not provide strong mechanisms to require mitigation between these uses to prevent future conflicts from arising. This concern is consistent with concerns raised in the Molalla Comprehensive Plan. Goal 9 of the Comprehensive Plan advises that industrial uses should achieve “compatibility with adjacent or nearby residential and commercial development;” and Goals 9 and 10 generally discourage mixing of industrial and residential uses.

Planning Staff reviewed several options to achieve better use compatibility in existing zones, including the Conditional Use Permit (CUP), restrictions on housing types in commercial zones, spot ordinances to address noise, buffering, and other potential conflict sources, and modifications to the zone code. Staff’s position is that requiring a CUP for specified situations of incompatibility provides the greatest degree of both strength and flexibility to address these issues on a case by case basis without conflicting with other provisions of the Comprehensive Plan or engaging in a prolonged process. CUPs, subject to MMC Chapter 17-4.,4 provide Staff and Commission the ability to apply conditions relating to hours of operation, design, screening, buffering, architecture, lighting, height, noise, and other mechanisms.

When the City expands, new zones will be designed to create separation of industrial and residential uses.

Staff proposes amending the Allowed Uses section (MMC 17-2.2.030) with a new Land Use Compatibility provision as written in Exhibit A.

# Exhibit A – ORD 2021-10

## Proposed Amendment

### To MMC Section 17-2.2.030 Allowed Uses

---

- K. **Land Use Compatibility:** Certain considerations must be made to promote the peaceful enjoyment and unencumbered use of property where adjacent uses tend to cause incompatibility. Therefore, a Conditional Use Permit is required for the following proposals:
1. Proposals that result in 3 or more residential units on a single property abutting an industrial zone (e.g., Triplex, Duplex + ADU, etc.);
  2. Proposals that result in a residential use on a commercially zoned property abutting an industrial zone; and
  3. Proposals that result in an industrial use on any property abutting a residential zone or abutting any residential use that is both existing and conforming.

# Exhibit B – ORD 2021-10

## Findings of Fact

---

Staff finds that the following section of Molalla Municipal Code applies to this ordinance:

### MMC Chapter 17-4.6 AMENDMENTS TO ZONING MAP OR CODE

#### Section 17-4.6.030 Criteria

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

- A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

**Findings:** Staff finds that Goal 9 of the Statewide Planning Goals advises to:

*Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.*

By requiring a conditional use permit for incompatible abutting uses, the proposed code amendment ensures greater compatibility between adjacent high-density residential and industrial uses by allowing Staff and the Planning Commission to apply conditions of approval related to potential conflict sources such as noise, odor, glare, building height, and buffering without restricting any currently allowed uses outright.

Staff finds that this criterion is met.

- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

**Findings:** Staff finds that Commercial Policy #14 of Goal 9 Economic Development of the Molalla Comprehensive Plan advises to:

*Provide buffers between industrial uses and residential uses for the benefit of all concerned.*

Staff finds that Goal 10 of the Molalla Comprehensive Plan advises that:

*Residential areas should be designated to avoid incompatible commercial, industrial and other uses.*

While existing zoning and development patterns already site residential uses and zones abutting to Industrial zones, further incompatibility from new developments can be mitigated. By requiring a conditional use permit

for incompatible abutting uses, the proposed code amendment ensures greater compatibility between adjacent high-density residential and industrial uses by allowing Staff and the Planning Commission to apply conditions of approval related to potential conflict sources including noise, odor, light, hours of operation, setbacks, building height, and buffering without restricting any currently allowed uses outright.

Staff finds that this criterion is met.

**C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and**

**Findings:** Staff finds that there is a public interest in ensuring harmonious co-existence between industrial and residential uses. The proposed amendment addresses potential clashes between incoming proposed uses at the onset of a project, increasing quality of life for Molalla residents and protecting incoming industrial users from enforcement concerns that may develop later on. Current development code does not require, for example, that new multifamily residential development buffer or include architectural elements to prevent excessive noise. A conditional use permit could address this inconsistency on a case by case basis.

Staff finds that this criterion is met.

**D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)**

**Findings:** The proposed Municipal Code amendment does not amend the Comprehensive Plan nor the Zoning Map, to which the Transportation Planning Rule Compliance provision applies. Staff finds that this standard does not apply.



Planning Department  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
[communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)

# Staff Report: Economic Development Roadmap

## Planning Commission Discussion

**Subject:** Economic Development Roadmap

**Staff Recommendation:** For information purposes only.

**Date of Meeting to Be Presented:** July 7<sup>th</sup>, 2021 – PC Discussion (Adopted by Council 6/23/21)

**Background:**

As a follow-on to the Community Visioning Process, the city contracted with Mary Bosch from Marketek to guide first year action and develop an Economic Development Roadmap. Mary presented the ED Roadmap to the City Council on 6/9/21 and the plan was adopted on 6/23/21.

**Exhibits:**

Molalla Economic Development Roadmap



# ECONOMIC VITALITY (EV) ROADMAP

City of Molalla

June 9, 2021







# VISION PLAN: 5 FOCUS AREAS

## 5 Focus Areas based on City aspirations for 2030:

1. A **resilient community** that passionately recognizes and builds on its history, culture, and location
2. A **welcoming, friendly and vibrant community** with an attractive hometown feel that is safe, hospitable, and inclusive of all residents, businesses, and visitors
3. **An economically sound and growing community** which is evident in the diversity of businesses, partnerships, education, innovation, and the strong work ethic of its people
4. A **full-service hub** of resources
5. A **beautiful and tranquil area** where people are deeply connected to its unique natural features



# THE MOLALLA ECONOMIC DEVELOPMENT COMMITTEE

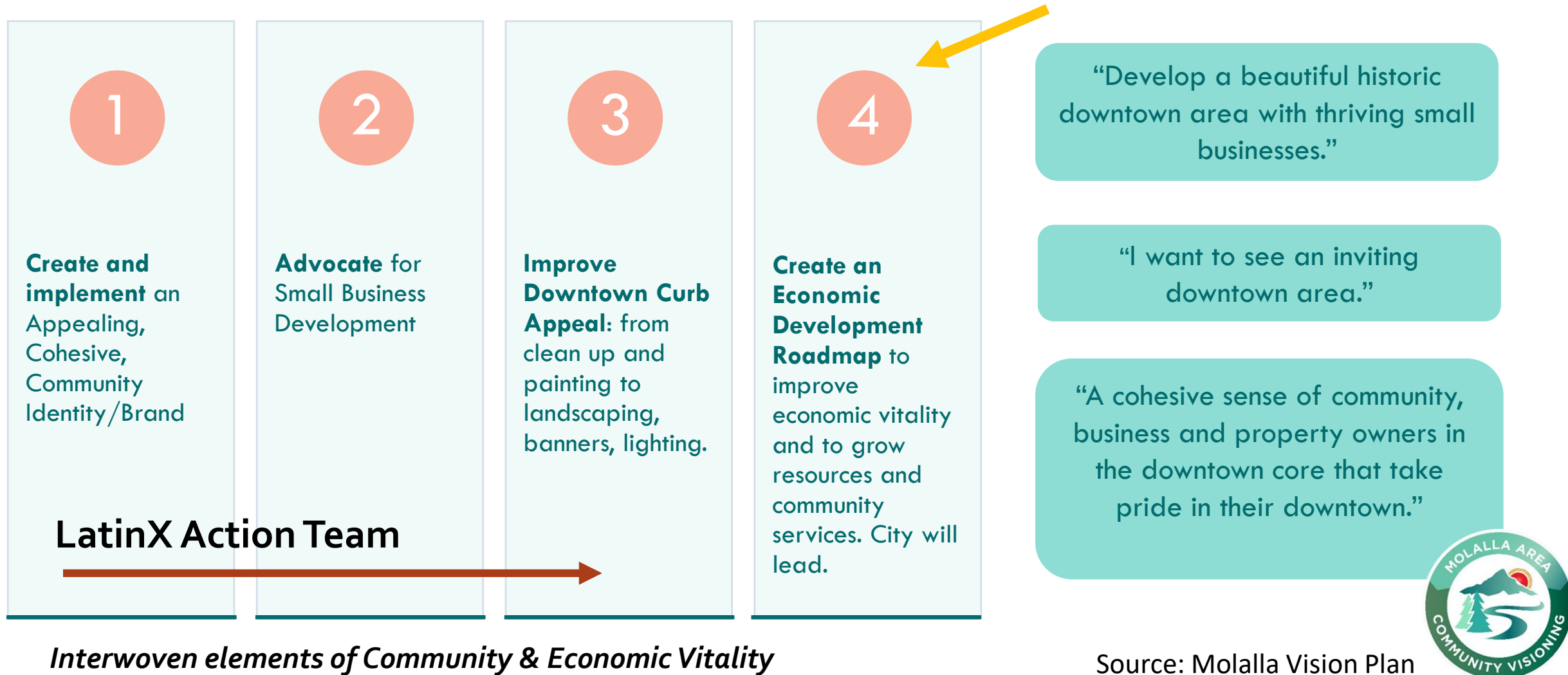
**PURPOSE:** To assist with the creation of a tangible economic development action plan and encourage community engagement in implementation

- Pamela Lucht - NW Transplants LLC
- Elizabeth (Lizz) Klein – City Council
- Crystal Robles - City Council
- Brad Berzinski - Molalla High School
- Robert Thompson - Welcome to Molalla & eXp Realty LLC
- Mac Corthell - City Planning Director



***Guided by a Community-based Process***

# PRIORITIES FOR ACTION – 2021



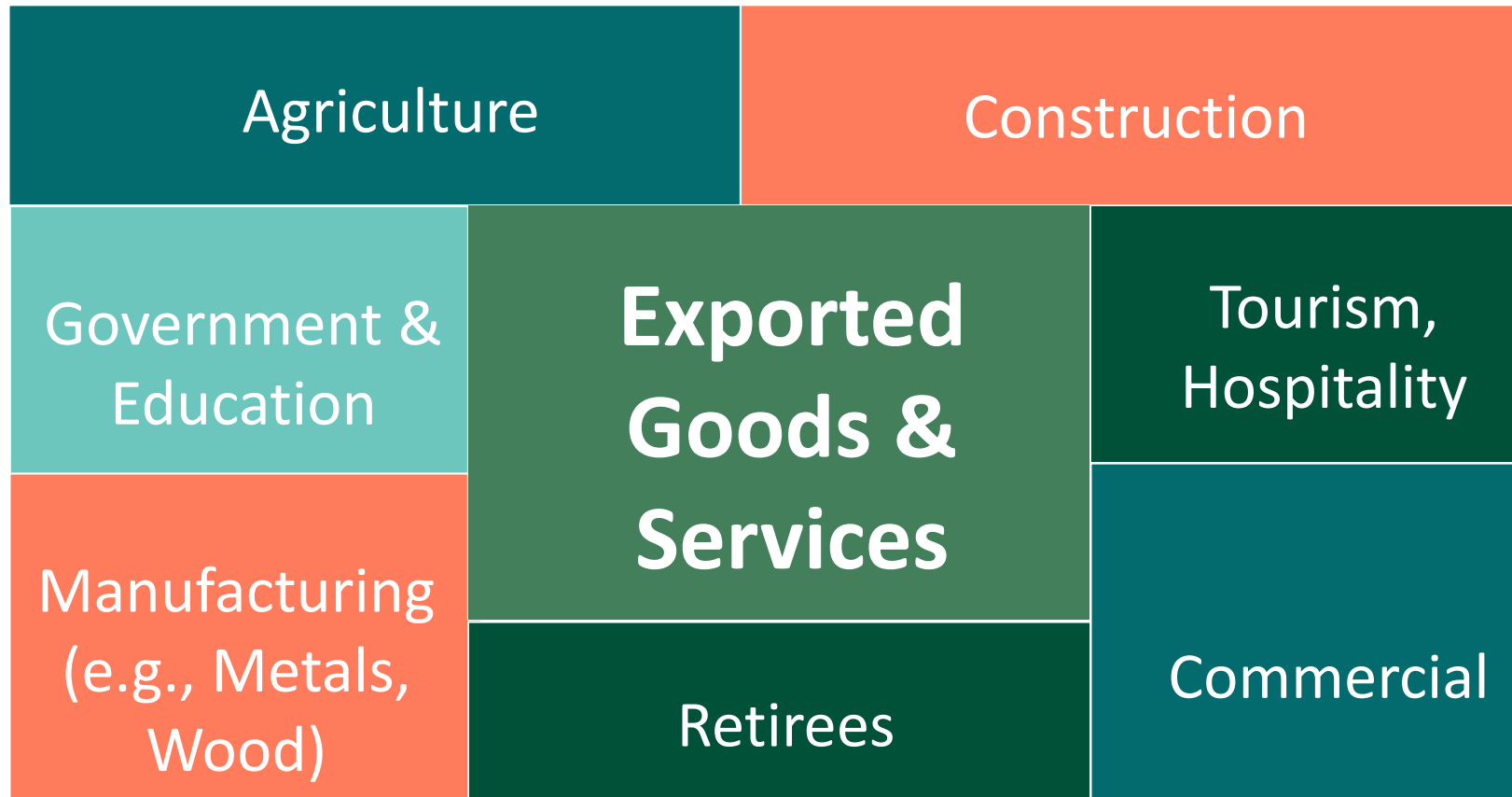
# Sample of Results:

- Story Walk Storyboards are underway
- Clean-up Day planning
- Organized Advocacy for Highway improvements
- Small Business Outreach & Survey Completed
- Engagement of LatinX residents
- Draft Molalla Identity & Market Position Statement
- Flower baskets/planter program underway
- Engaged and committed Steering Committee meeting monthly

*Nearly 40 community members are  
engaged with moving Molalla's Vision Plan to Action!*



# WHAT MAKES AN ECONOMIC BASE?



*“It’s not one thing!”*





*In this work, stay focused on:*

# BUSINESS INTERESTS & RESOURCES

- Workforce – Talent, Education
- Competitive Business Costs
- Market (access, consumer base)
- Quality of Life
- Government/Regulation (positive)
- Real Estate
- Incentives, Financing, Capital
- Housing



## Assessment and Next Steps Highlights.....



OUR COMMUNITY is  
Growing and Changing

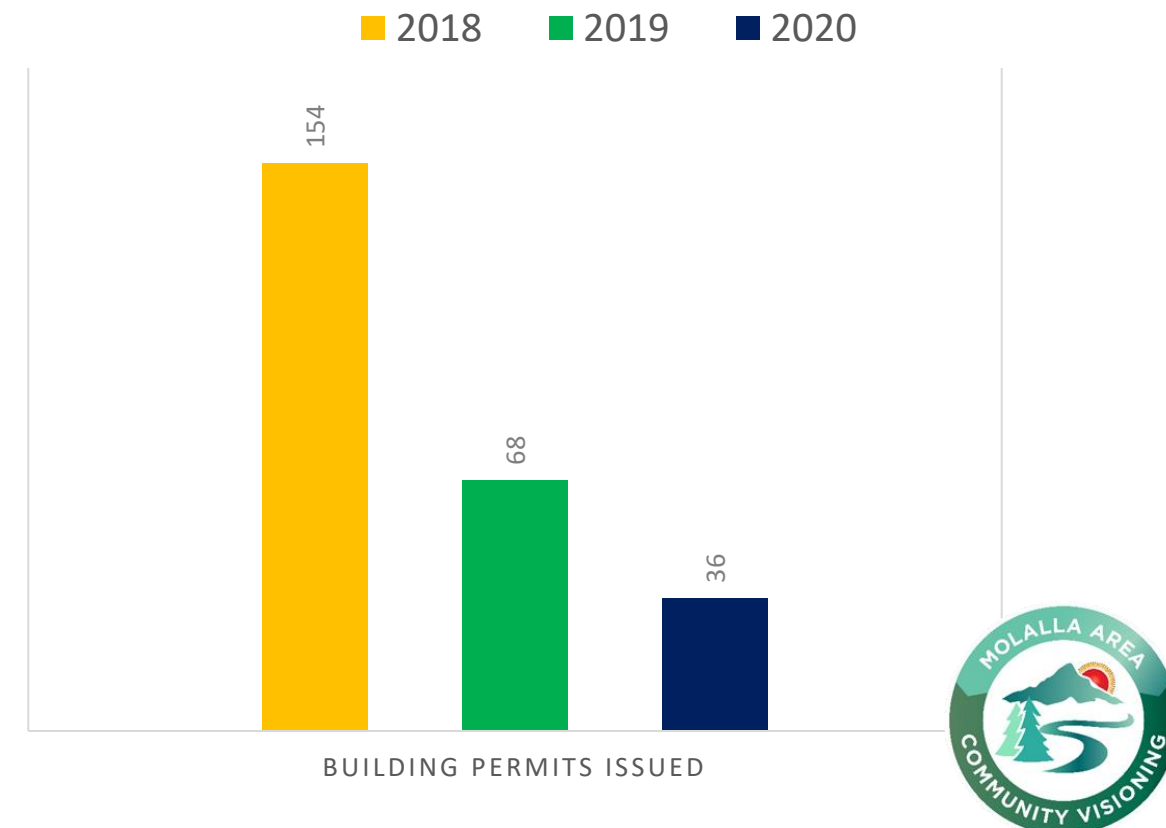




# GROWTH TRENDS: *Building Permits Issued*

2020		
Residential	32	
Commercial	4	
Industrial	0	
2019		
Residential	64	
Commercial	4	
Industrial	0	
2018		
Residential	152*	
Commercial	1	
Industrial	1	

\*includes Bear Creek



***In May 2021, 16 commercial & industrial projects are active.***



# As of May 2021, 16 active projects in pipeline: *12 commercial & 4 industrial*



**Nearly \$28 million in investment  
233 jobs anticipated**

- Self Storage - Cascade Center
- AutoZone - Cascade Center
- Grocery Outlet - Cascade Center
- Dollar Tree - Cascade Center
- Goodwill - Cascade Center
- Burger King - Cascade Center
- Dollar General - Cascade Center
- Dairy Queen
- Dansons
- Molalla Market Place Bank
- Molalla Market Place Retail
- Scandia
- Center Market
- B & I Construction and Office Space
- Industrial Landscaping Company
- Industrial Landscaping Company Retail Space
- Mobile Food Unit Pod
- By Design Steel Company







# ECONOMIC DIVERSITY IS A KEY ASSET

*3200 local jobs - From agriculture  
and manufacturing to tourism  
and retail*



# WHAT LOCAL BUSINESSES ARE SAYING...



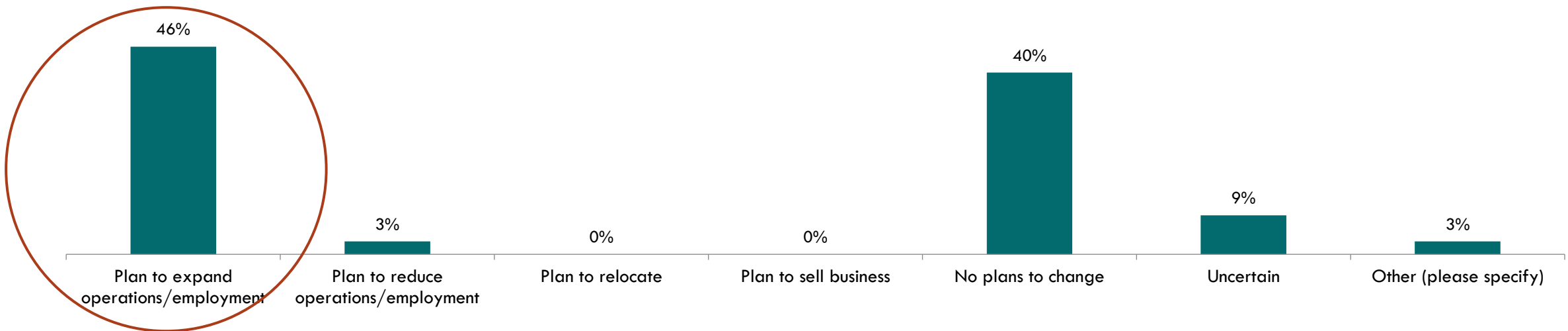
*Molalla's Small Business Advocacy Action Team created a Small Business Survey, garnering 35 responses from local business owners and/or operators in March 2021. What follows are a few key highlights from results.*

- Business owners are **generally optimistic** despite a tumultuous 2020 – with most saying they either will expand or stay steady
- When asked about the top advantages of doing business in Molalla, an overwhelming majority pointed to the **small town feel and local community**

Q10 What are the top advantages of doing business within Molalla? List up to three.

area Easy access Small town offer home clients local Close home  
people great business easy town work  
community advantage growing products Molalla  
Customers live help supporting big love

Which phrase best describes your **plans to expand or reduce your operations** in the next 1 or 2 years?





# BUSINESS CLIMATE SUMMARY

## ASSETS



Well-rated high school

Community feel, neighborly support

Natural beauty and resources

Economic diversity

## CHALLENGES



The availability and skill level of workforce

Ability to navigate and keep up with the tax laws and government regulation

Limited land availability

Market support/shoppers

Downtown parking is limited

Limited roads in and out of town



# CHALLENGES



“We really need another store out here. I shop Winco, Trader Joe’s and Costco because Safeway is always understaffed and overpriced. **Maybe a lower priced store would keep people local for shopping!**”

“There are way too many vacant buildings and small businesses have a hard time. Something needs to be done to **help small businesses** and **encourage property owners to maintain their buildings and work with renters.**”



# Available Industrial Space exists but is limited and little is 'on the market'

Only 1 Industrial space actively marketed (spring 2021)

- Molalla Forest Road Industrial Park
- 17,800 SF building on 14.55 AC lot

Undeveloped; but What's Buildable?

**Vacant Heavy Industrial (M-2)**

Within UGB: 128.99 ac

**Vacant Light Industrial (M-1)**

In UGB: 13.41 ac





# OPPORTUNITIES



## Retail Business Development

Fill vacant business spaces;  
Expand retail base  
Marketing campaigns

## Quality of Life Improvements

Home prices  
Schools  
Recreation  
Crime

## Tourism Development

“More grocery stores!”

“More shopping and food options.”

“Bring back a vital Main Street to the heart of town -- a bustling 'old-town,' busy with hometown business, like it once was.”

## Industry Cluster Expansion



# How to: Grow the Economy?

## Economic Development Core Services

1. Build Your ED Network & Synergies
2. Business Assistance & Facilitation
3. Business Attraction & Marketing
4. Entrepreneurial Development
5. Economic Snapshots & Benchmarks
6. Branding
7. Marketing (e.g., website)





# To Compete....





# 1. Get active within the economic development profession.

[Home](#)[About](#)[Resources](#)[Programs](#)[News and Events](#)[Renew or Join](#)

## CHAMPIONS FOR OREGON

OREGON ECONOMIC DEVELOPMENT ASSOCIATION

The Oregon Economic Development Association (OEDA) is a statewide non-profit organization working to support economic development professionals who are on Oregon's front line in diversifying and expanding Oregon's economy.

PLAY  VIDEO

REGISTER | Economic Development  
Training Courses



## 2. Tap Economic Development Partners and Resources(*many!*)



[Business Oregon](#)



[Clackamas Community College](#)



[Clackamas Workforce Partnership](#)



[Commercial Real Estate Development Association](#)



[Greater Portland, Inc.](#)



[Metro](#)



[Mt. Hood Territory](#)



[Oregon Economic Development Association](#)





# 3. Tell Your Story – Promote Your Successes!

## Ex: VISITOR INDUSTRY

- There are opportunities to draw more visitors in to Molalla. Key to success = Partner with key attraction and visitor industry leaders in and around the area to increase Molalla's market exposure.
- Welcome to Molalla page has space for upcoming events and offers a comprehensive spot for visitors to see businesses and restaurants. Continue to build on the momentum on that page!

Travel Oregon Molalla page features Molalla Train Park, the Buckeroo and Rosse Posse Acres Elk Farm

### DON'T MISS IN MOLALLA

Goldin Artisan Goat Cheese  
Willamette Valley

Feyrer Park  
Willamette Valley

Table Rock Wilderness  
Willamette Valley

Bikes N' Boards  
Willamette Valley

White Horse Restaurant and Saloon  
Willamette Valley

Splat Action Paintball  
Willamette Valley



4. Get a clear picture of your real estate: commercial and industrial and how to expand 'market-ready' properties.

.....*Investment is a must*

*Staff. Marketing and Visibility. Planning for continued economic growth.*



# 2021 – 2022 FY Workplan



Strategy 1	Support and guide the Economic Development Steering Committee(SC) and Action Teams
Strategy 2	Encourage and support formation of Latinx Action Team
Strategy 3	Strengthen partnerships with and leverage resources of economic and business development organizations to serve Molalla business community
Strategy 4	Meet 1-on-1 with Molalla's largest employers (starting w/ traded sector) to build relationship and understand and help address key challenges and opportunities
Strategy 5	Follow-up with small business survey respondents
Strategy 6	Help new and expanding commercial/industrial businesses offset cost of infrastructure improvements
Strategy 7	Promote City's commitment to economic development and provide businesses 1-stop info center by adding economic development webpage to website
Strategy 8	For Visitor Marketing, clarify organizational roles and responsibilities of City, Ec Dev Steering Committee, Welcome to Molalla and Chamber + next steps
Strategy 9	Increase positive media coverage of Molalla's accomplishments, events, community spirit



Planning Department  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
[communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)

## Staff Report: DCA10-2021

### Planning Commission Discussion

**Subject:** Bulk Zone change of publicly owned properties from erroneous zoning designations to the proper Public and Semi-Public (PSP) designation.

**Staff Recommendation:** 7/7/21 – PC Discussion, 8/4/21 – PC Recommendation

**Date of Meeting to Be Presented:** July 7<sup>th</sup>, 2021 – PC Discussion

**Background:** As discussed in previous meetings, the City of Molalla's Urban Growth Boundary (UGB) is outdated by more than a decade based on lower than reality growth rates... this means the UGB is even more outdated than the 20 year renewal window suggests.

Recently, HB 2003 passed the legislature and took effect. The new law requires cities over 10,000 in population to undertake a Housing Needs Analysis (HNA), which includes a Buildable Lands Inventory (BLI), and Housing Production Strategy (HPS) development.

The studies required by HB 2003 will be utilized to assist in UGB exploration and may be built upon to provide the data needed to fully analyze a potential UGB expansion, and to provide the necessary data case to support a UGB expansion.

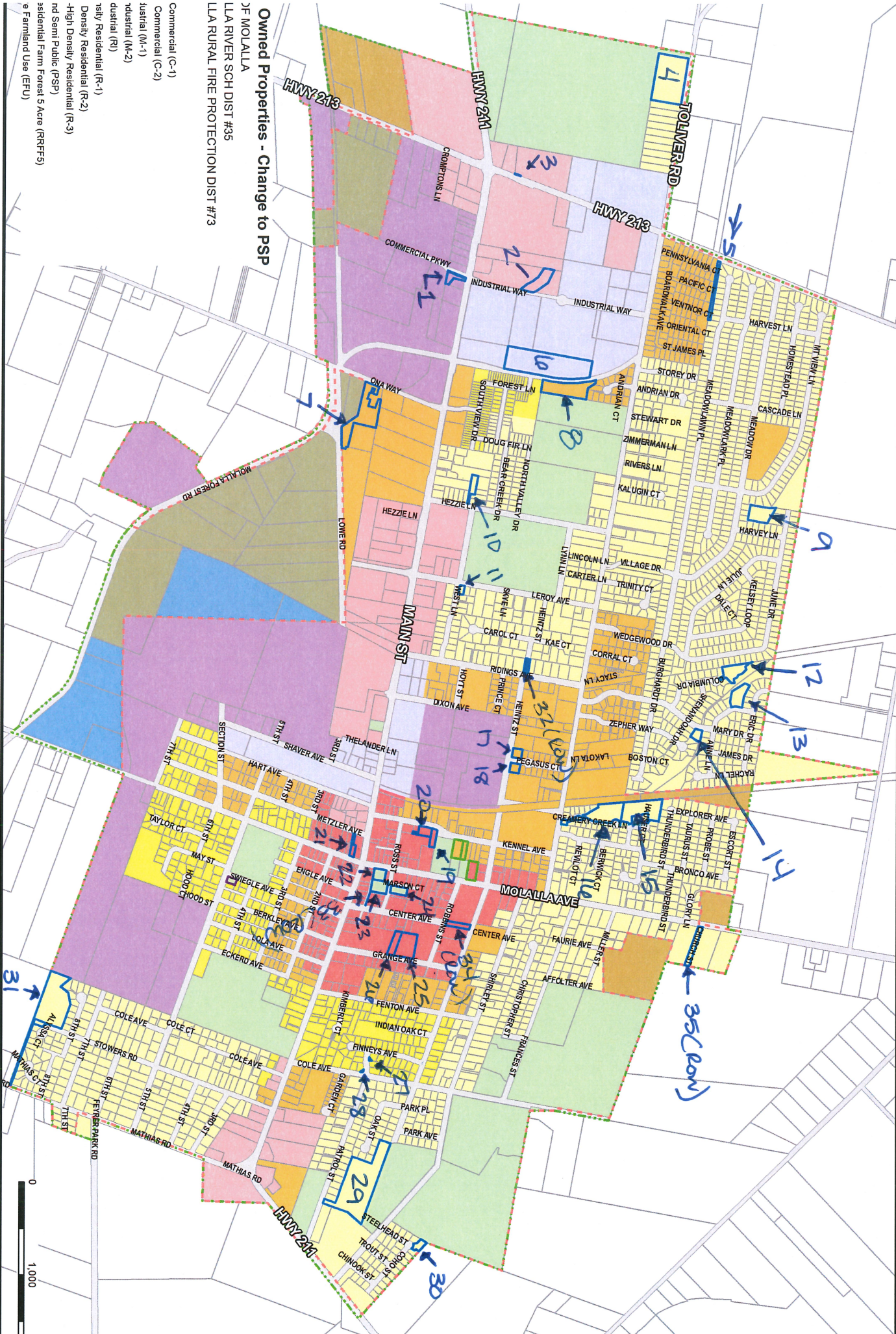
In order to produce an accurate HNA and BLI, land must be appropriately zoned for what it can actually be used for. That is to say a piece of property zoned residential that is actually a public facility will show up as a buildable piece of land in the study. Additionally, the planning processes and allowed uses in the City's development code are different for the R-zones than they are for the PSP-zones.

Exhibits:

1. Map of affected properties and property reports for each.



# f Molalla - PSP Rezoning Map



## Owned Properties - Change to PSP

- OF MOLALLA
- LLA RIVER SCH DIST #35
- LLA RURAL FIRE PROTECTION DIST #73





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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E07D 00600**  
Land Value: **38628**  
Building Value: **0**  
Total Value: **38628**

Est. Acres: **0.30**  
Year Built:  
Sale Date: **07/13/2006**  
Sale Amount: **35109**  
Sale Type: **X**

Land Class:

**100**

Building Class:

Neighborhood:

**Molalla rural north 100,**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**M2**

Overlays:

**N/A**

Acreage:

**0.30**

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E07A 01900**  
Land Value: **52759**  
Building Value: **0**  
Total Value: **52759**

Est. Acres: **0.91**  
Year Built:  
Sale Date: **03/10/2011**  
Sale Amount: **0**  
Sale Type: **S**

Location Map:



Land Class:

**200**

Building Class:

Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone	Overlays:	Acreage:
C2	N/A	0.91

C2

N/A

0.91

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E07A 02602**  
Land Value: **276**  
Building Value: **0**  
Total Value: **276**

Est. Acres: **0.01**  
Year Built:  
Sale Date: **12/30/2004**  
Sale Amount: **4985**  
Sale Type: **S**

Land Class:

**200**

Building Class:

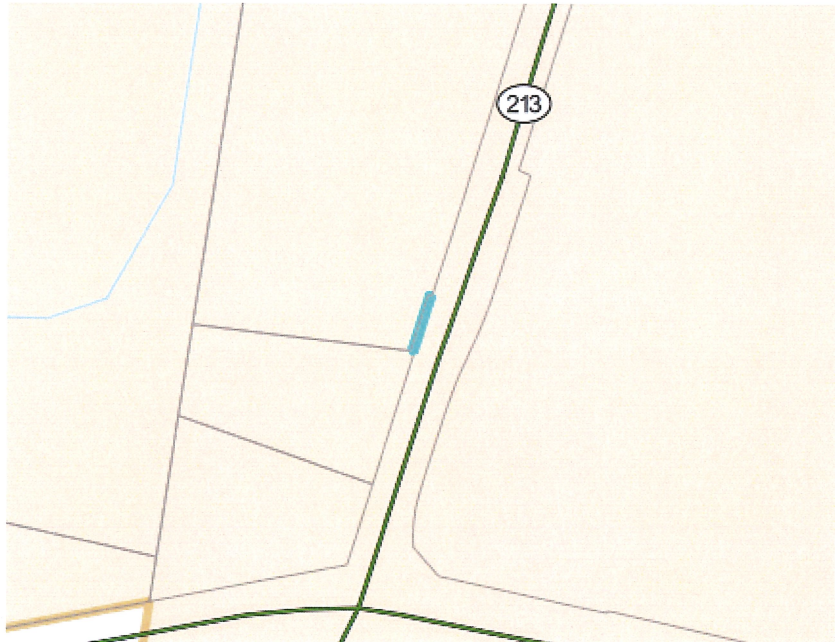
Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**C2**

Overlays:

**N/A**

Acreage:

**0.01**

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E07 04200**  
Land Value: **391642**  
Building Value: **0**  
Total Value: **391642**

Est. Acres: **3.80**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**400**

Building Class:

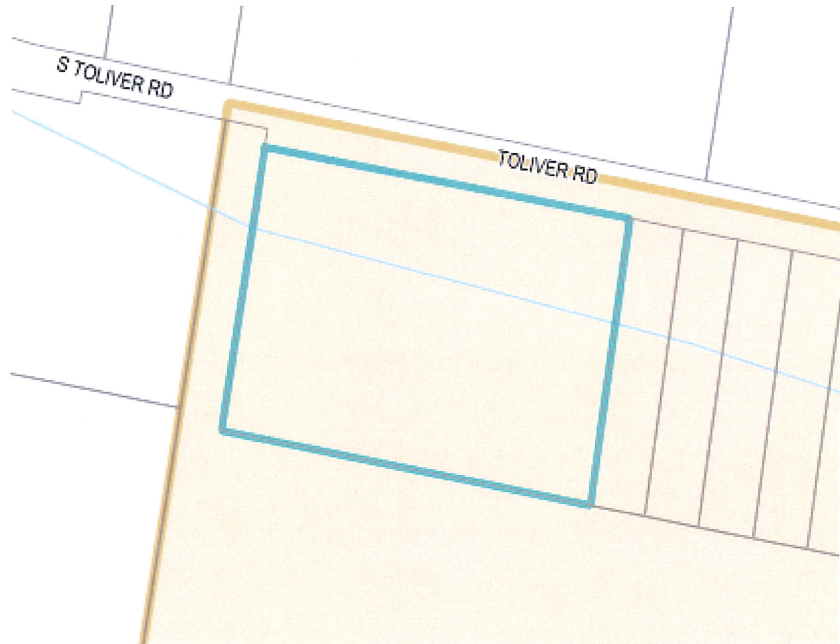
Neighborhood:

**City of Molalla all other**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
R1	N/A	3.80

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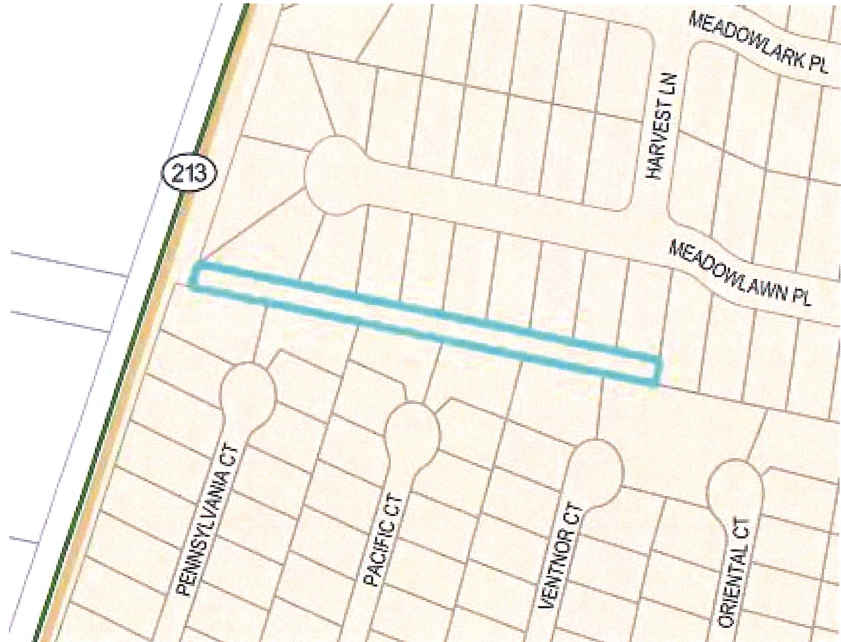
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Oregon City, OR 97045

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: **NO SITUS**  
Taxlot **52E05CC08800**  
Land Value: **9150**  
Building Value: **0**  
Total Value: **9150**

Est. Acres: **0.40**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
R1	N/A	0.40

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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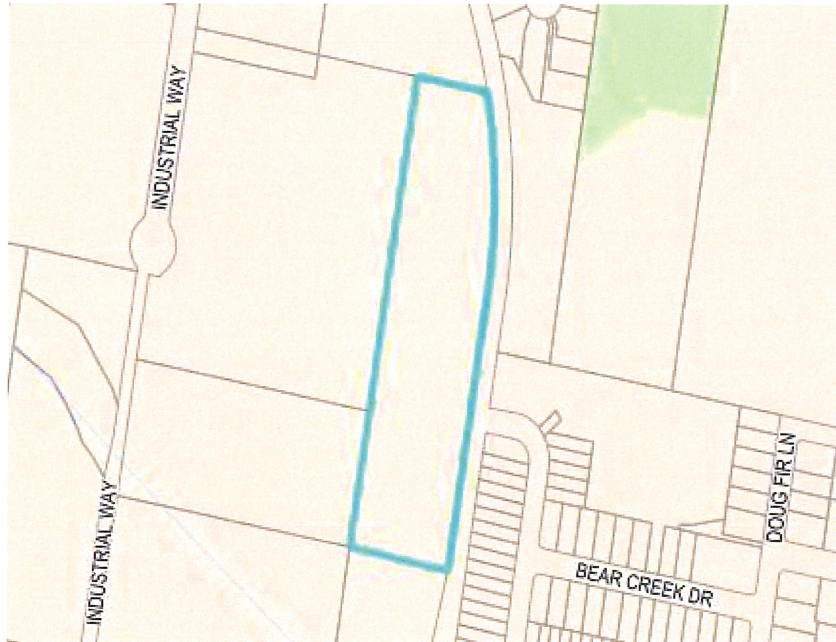
## Property Report

**SHECKARD JONATHAN**  
**1221 W MAIN ST**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E07A 01100**  
Land Value: **569462**  
Building Value: **0**  
Total Value: **569462**

Est. Acres: **5.08**  
Year Built:  
Sale Date: **06/01/2020**  
Sale Amount: **250000**  
Sale Type: **S**

Location Map:



Land Class:

**300**

Building Class:

Neighborhood:

**Area 02 industrial**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
M1	N/A	5.08

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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## Property Report

**STONEPLACE STORAGE LLC**  
**9554 SE CLACKAMAS RD**  
**CLACKAMAS, OR 97015**

Site Address: **13235 S LOWE RD**  
Taxlot **52E08C 01801**  
Land Value: **836911**  
Building Value: **0**  
Total Value: **836911**

Est. Acres: **2.37**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**201**

Building Class:

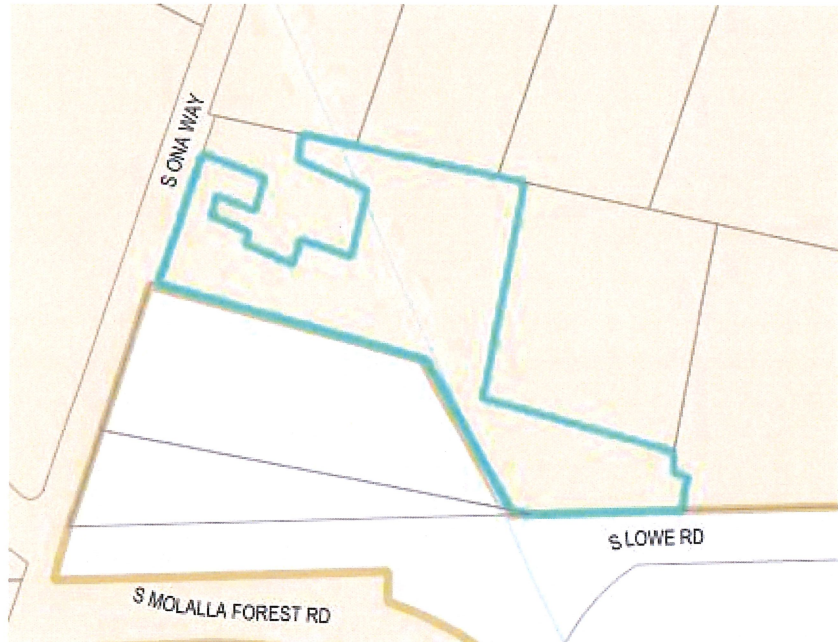
Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**R3**

Overlays:

**N/A**

Acreage:

**2.37**

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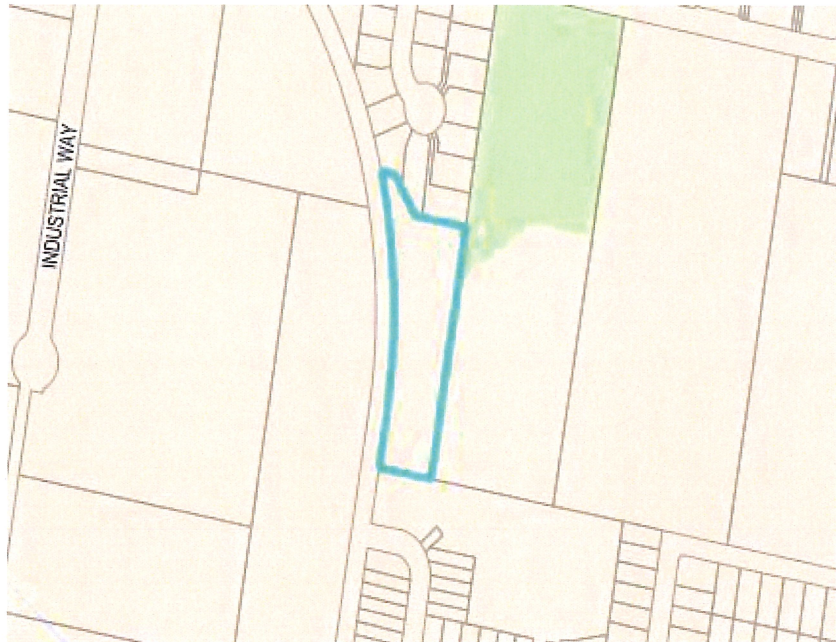
## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E07AA03000**  
Land Value: **15077**  
Building Value: **0**  
Total Value: **15077**

Est. Acres: **1.77**  
Year Built:  
Sale Date: **05/08/2018**  
Sale Amount: **0**  
Sale Type: **S**

Location Map:



Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
-------------	------------------	-----------------

R1	N/A	1.77
----	-----	------

Fire	Molalla RFPD #73
Park	N/A
School	Molalla River
Sewer	N/A
Water	N/A
Cable	n/a
CPO	City
Garb/Recyc	Molalla Sanitary
City/County	Molalla

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E05CD12900**  
  
Land Value: **34364**  
Building Value: **0**  
Total Value: **34364**

Est. Acres: **0.93**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**R1**

Overlays:

**N/A**

Acreage:

**0.93**

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## Property Report

**CITY OF MOLALLA**  
**117 N MOLALLA AVE**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E08BC09550**  
Land Value: **8702**  
Building Value: **0**  
Total Value: **8702**

Est. Acres: **0.35**  
Year Built:  
Sale Date: **04/13/2018**  
Sale Amount: **0**  
Sale Type: **S**

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**R1**

Overlays:

**N/A**

Acreage:

**0.35**

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Oregon City, OR 97045

11

## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: **NO SITUS**  
Taxlot **52E08AC08700**  
Land Value: **21039**  
Building Value: **0**  
Total Value: **21039**

Est. Acres: **0.12**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R1

Overlays:

N/A

Acreage:

0.12

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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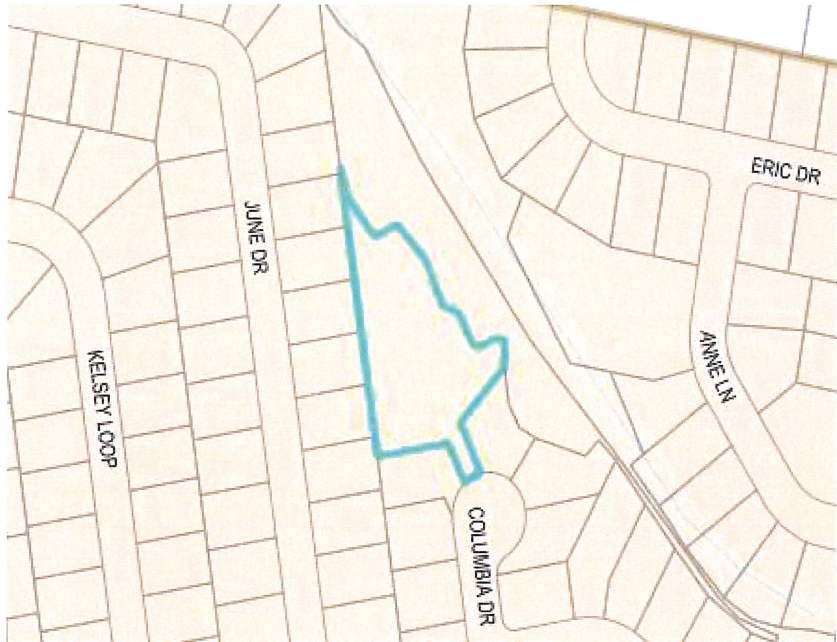
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Oregon City, OR 97045

12

## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: **NO SITUS**  
Taxlot **52E05DD04700**  
  
Land Value: **0**  
Building Value: **0**  
Total Value: **0**

Est. Acres: **0.80**  
Year Built:  
Sale Date: **03/19/2007**  
Sale Amount: **0**  
Sale Type: **S**

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R1

Overlays:

N/A

Acreage:

0.80

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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13

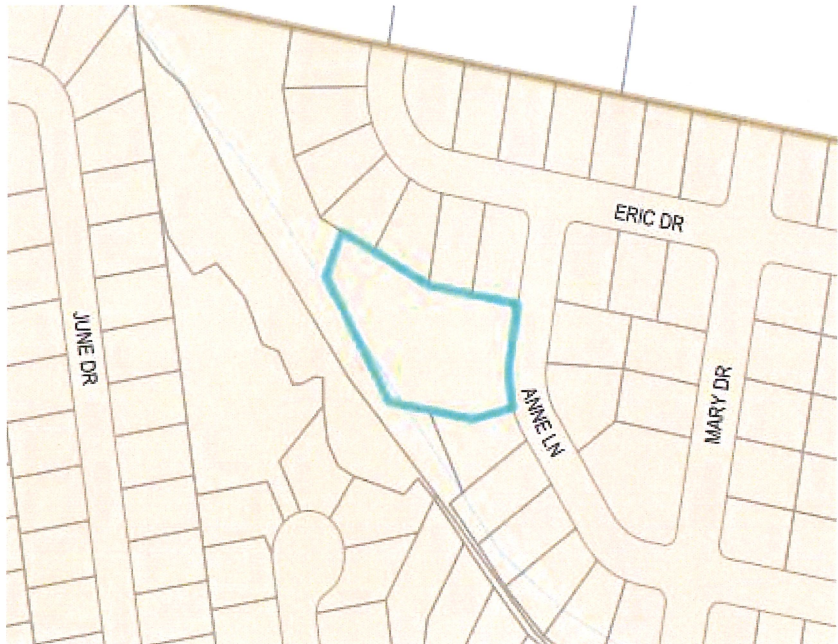
## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E05DD00376**  
Land Value: **44183**  
Building Value: **0**  
Total Value: **44183**

Est. Acres: **0.74**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Location Map:



Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R1

Overlays:

N/A

Acreage:

0.74

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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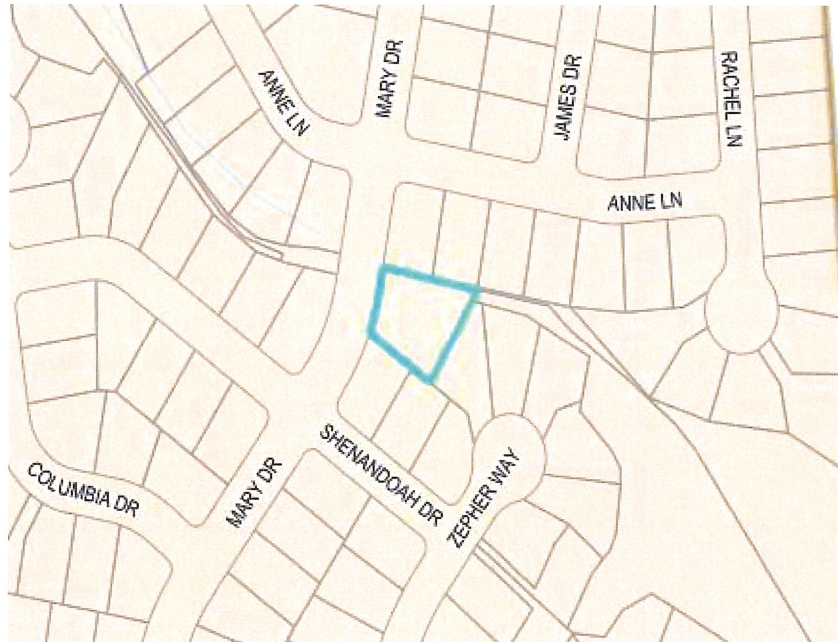
## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E05DD09000**  
Land Value: **25248**  
Building Value: **0**  
Total Value: **25248**

Est. Acres: **0.25**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Location Map:



Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R1

Overlays:

N/A

Acreage:

0.25

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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168 Warner-Milne Rd  
Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E09BB08445**  
Land Value: **258849**  
Building Value: **0**  
Total Value: **258849**

Est. Acres: **1.83**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Location Map:



Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
R1	N/A	1.83

Fire	Molalla RFPD #73
Park	N/A
School	Molalla River
Sewer	N/A
Water	N/A
Cable	n/a
CPO	City
Garb/Recyc	Molalla Sanitary
City/County	Molalla

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Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E09BC01221**  
Land Value: **240998**  
Building Value: **0**  
Total Value: **240998**

Est. Acres: **1.50**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Location Map:



Land Class:  
**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R1

Overlays:

N/A

Acreage:

1.50

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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Oregon City, OR 97045

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **500 PEGASUS CT**  
Taxlot **52E08AA01700**  
Land Value: **69228**  
Building Value: **0**  
Total Value: **69228**

Est. Acres: **0.24**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:  
**100**

Building Class:

Neighborhood:  
**City of Molalla 100, 101**

Taxcode Districts:

Fire	Molalla RFPD #73
Park	N/A
School	Molalla River
Sewer	N/A
Water	N/A
Cable	n/a
CPO	City
Garb/Recyc	Molalla Sanitary
City/County	Molalla

Location Map:



Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R3

Overlays:

N/A

Acreage:

0.24

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **501 PEGASUS CT**  
Taxlot **52E08AA01800**  
Land Value: **69228**  
Building Value: **0**  
Total Value: **69228**

Est. Acres: **0.24**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Location Map:



Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla 100, 101**

Taxcode Districts:

Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

Overlays:

Acreage:

**R3**

**N/A**

**0.24**

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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Oregon City, OR 97045

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: **NO SITUS**  
Taxlot: **52E09CB07702**  
Land Value: **42317**  
Building Value: **0**  
Total Value: **42317**

Est. Acres: **0.27**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**200**

Building Class:

Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

C1

Overlays:

N/A

Acreage:

0.27

Fire: **Molalla RFPD #73**  
Park: **N/A**  
School: **Molalla River**  
Sewer: **N/A**  
Water: **N/A**  
Cable: **n/a**  
CPO: **City**  
Garb/Recyc: **Molalla Sanitary**  
City/County: **Molalla**

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: 225 KENNEL AVE  
Taxlot 52E09CB07701  
Land Value: 54602  
Building Value: 0  
Total Value: 54602

Est. Acres: 0.34  
Year Built:  
Sale Date:  
Sale Amount: 0  
Sale Type:

Land Class:

200

Building Class:

Neighborhood:

Area 02 commercial

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

C1

Overlays:

N/A

Acreage:

0.34

Fire Molalla RFPD #73  
Park N/A  
School Molalla River  
Sewer N/A  
Water N/A  
Cable n/a  
CPO City  
Garb/Recyc Molalla Sanitary  
City/County Molalla

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## Property Report

CITY OF MOLALLA  
117 N MOLALLA AVE  
MOLALLA, OR 97038

Site Address: **106 S MOLALLA AVE**  
Taxlot **52E08DD00200**  
Land Value: **106350**  
Building Value: **0**  
Total Value: **106350**

Est. Acres: **0.20**  
Year Built:  
Sale Date: **01/13/2015**  
Sale Amount: **0**  
Sale Type: **S**

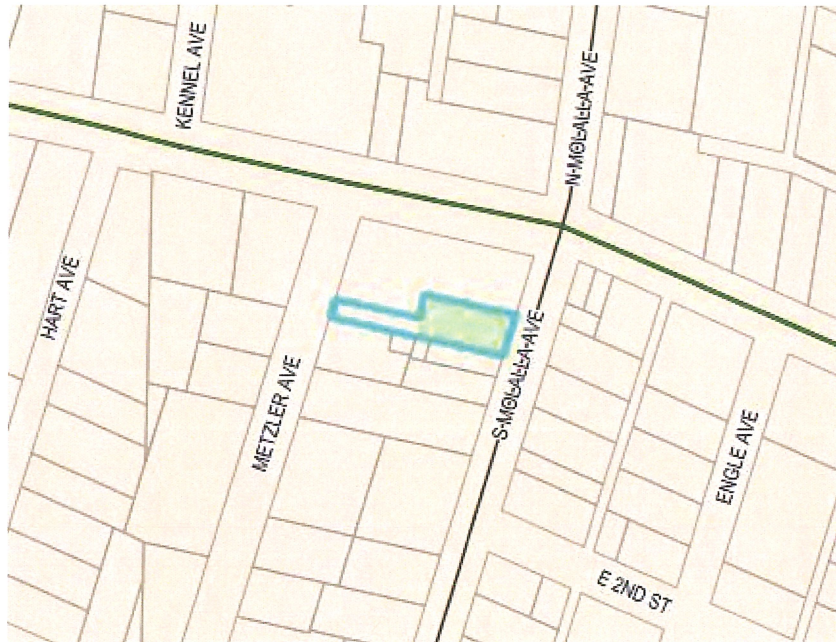
Land Class:  
**200**

Building Class:

Neighborhood:  
**Area 02 commercial**  
Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB: **MOLALLA**  
Flood Zone: **Not Available**

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
C1	N/A	0.20

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: 117 N MOLALLA AVE  
Taxlot 52E09CB05300  
Land Value: 107352  
Building Value: 1548510  
Total Value: 1655862

Est. Acres: 0.36  
Year Built:  
Sale Date:  
Sale Amount: 0  
Sale Type:

Land Class:

201

Building Class:

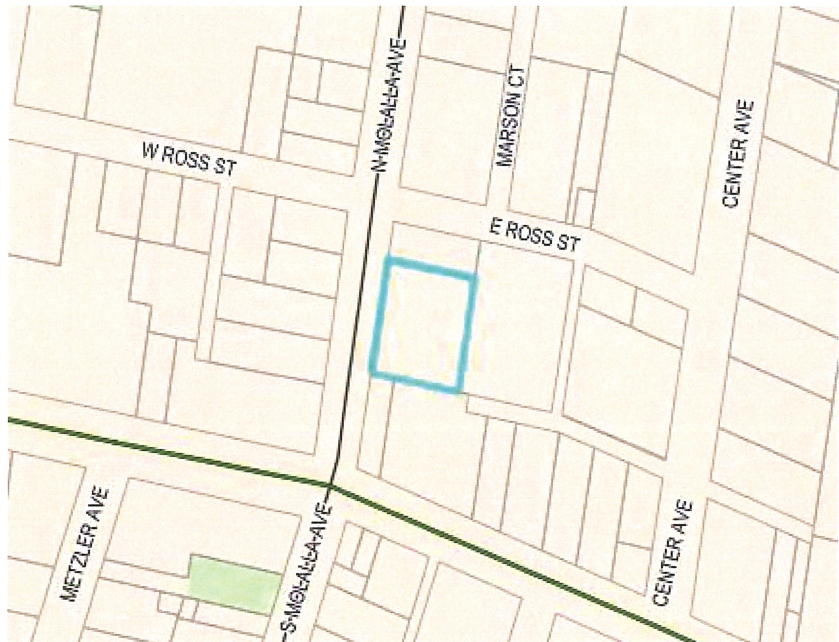
Neighborhood:

Area 02 commercial

Taxcode Districts:

Fire Molalla RFPD #73  
Park N/A  
School Molalla River  
Sewer N/A  
Water N/A  
Cable n/a  
CPO City  
Garb/Recyc Molalla Sanitary  
City/County Molalla

Location Map:



Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

PSP

Overlays:

N/A

Acreage:

0.36

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E09CB05600**  
Land Value: **156303**  
Building Value: **41030**  
Total Value: **197333**

Est. Acres: **0.52**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**201**

Building Class:

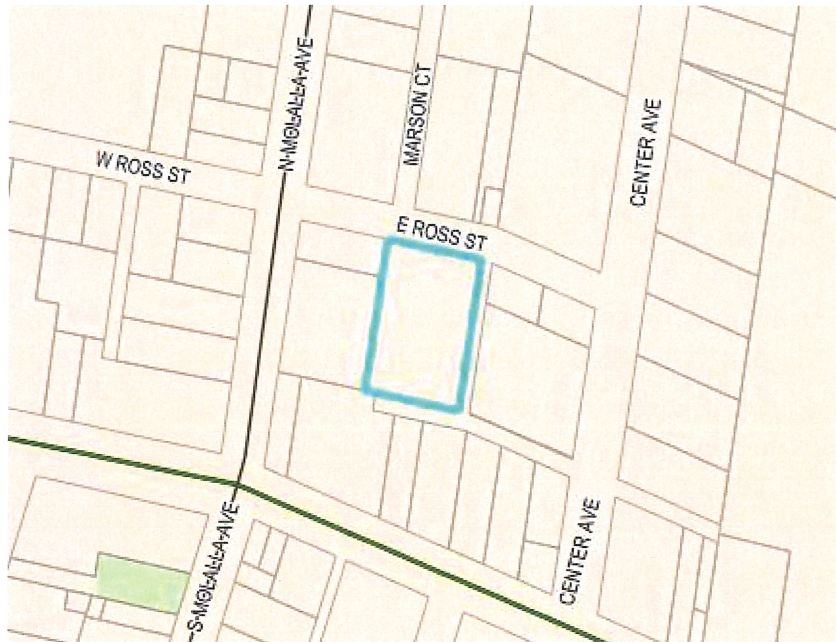
Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

PSP

Overlays:

N/A

Acreage:

0.52

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## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Site Address: **NO SITUS**  
Taxlot **52E09CB04600**  
Land Value: **132035**  
Building Value: **35540**  
Total Value: **167575**

Est. Acres: **0.33**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**201**

Building Class:

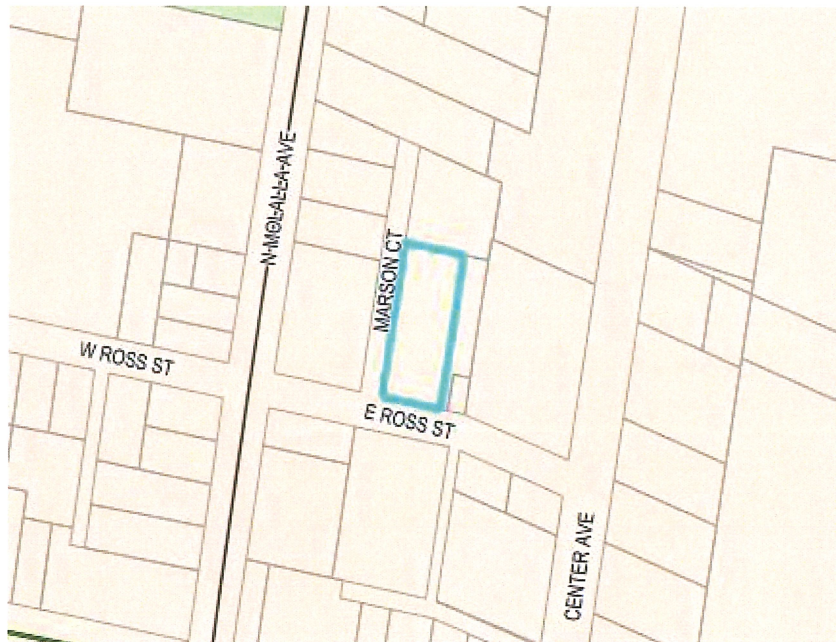
Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**PSP**

Overlays:

**N/A**

Acreage:

**0.33**

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168 Warner-Milne Rd  
Oregon City, OR 97045

## Property Report

CRF SMALL BUSINESS LOAN COMPANY LLC  
801 NICOLLET MALL W STE 1700  
MINNEAPOLIS, MN 55402

Location Map:



Site Address: **150 GRANGE AVE**  
Taxlot **52E09CB00500**  
Land Value: **229541**  
Building Value: **884630**  
Total Value: **1114171**

Est. Acres: **1.15**  
Year Built:  
Sale Date: **12/27/2019**  
Sale Amount: **918000**  
Sale Type: **M**

Land Class:

**201**

Building Class:

Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

C1

Overlays:

N/A

Acreage:

1.15

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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168 Warner-Milne Rd  
Oregon City, OR 97045

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## Property Report

### Location Map:

CRF SMALL BUSINESS LOAN COMPANY LLC  
801 NICOLLET MALL W STE 1700  
MINNEAPOLIS, MN 55402



Site Address: **NO SITUS**  
Taxlot: **52E09CB00700**  
Land Value: **83859**  
Building Value: **0**  
Total Value: **83859**

Est. Acres: **0.44**  
Year Built:  
Sale Date: **12/27/2019**  
Sale Amount: **918000**  
Sale Type: **X**

Land Class:

**200**

Building Class:

Neighborhood:

**Area 02 commercial**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

C1

Overlays:

N/A

Acreage:

0.44

Fire: **Molalla RFPD #73**  
Park: **N/A**  
School: **Molalla River**  
Sewer: **N/A**  
Water: **N/A**  
Cable: **n/a**  
CPO: **City**  
Garb/Recyc: **Molalla Sanitary**  
City/County: **Molalla**

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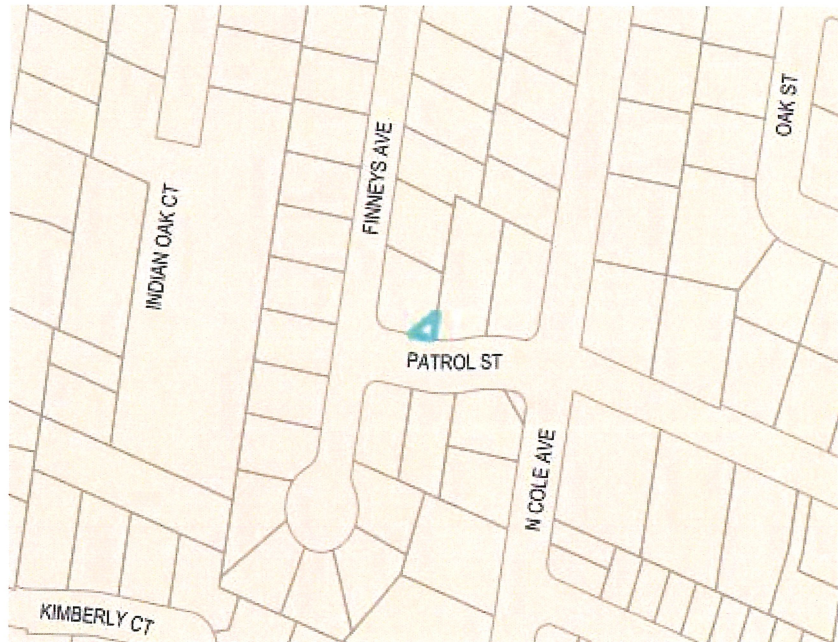
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Geographic Information Systems  
168 Warner-Milne Rd  
Oregon City, OR 97045

## Property Report

CITY OF MOLALLA  
PO BOX 248  
MOLALLA, OR 97038

Location Map:



Site Address: **NO SITUS**  
Taxlot **52E09CA00132**  
Land Value: **319**  
Building Value: **0**  
Total Value: **319**

Est. Acres: **0.01**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

R2

Overlays:

N/A

Acreage:

0.01

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E09CA00131**  
  
Land Value: **319**  
Building Value: **0**  
Total Value: **319**

Est. Acres: **0.01**  
Year Built:  
Sale Date:  
Sale Amount: **0**  
Sale Type:

Land Class:

**100**

Building Class:

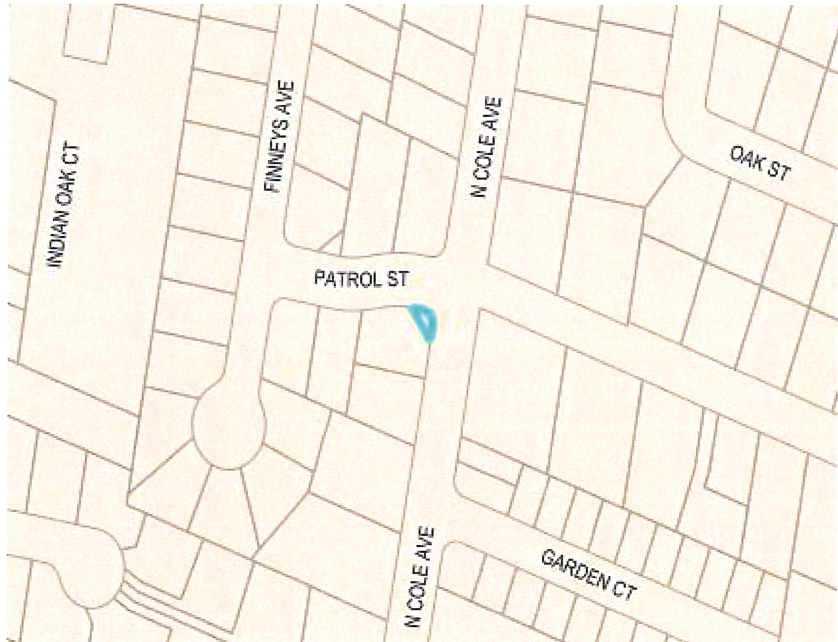
Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**R2**

Overlays:

**N/A**

Acreage:

**0.01**

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168 Warner-Milne Rd  
Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**PO BOX 248**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E09D 00311**  
Land Value: **507845**  
Building Value: **0**  
Total Value: **507845**

Est. Acres: **5.59**  
Year Built:  
Sale Date: **12/01/1995**  
Sale Amount: **0**  
Sale Type:

Land Class:

**400**

Building Class:

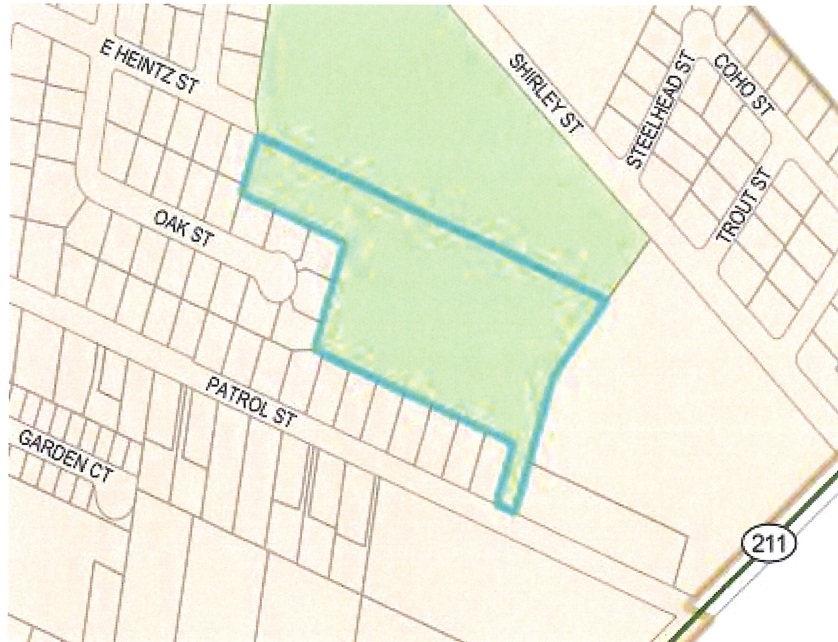
Neighborhood:

**City of Molalla all other**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

Zone

**R1**

Overlays:

**N/A**

Acreage:

**5.59**

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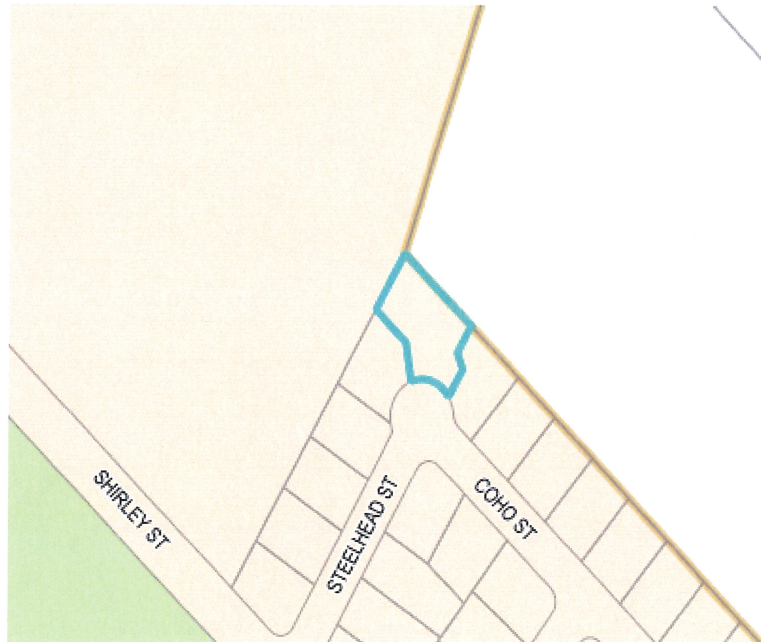
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168 Warner-Milne Rd  
Oregon City, OR 97045

## Property Report

**CITY OF MOLALLA**  
**117 N MOLALLA AVE**  
**MOLALLA, OR 97038**

Location Map:



Site Address: **901 COHO ST**  
Taxlot **52E09DA01000**  
  
Land Value: **8926**  
Building Value: **0**  
Total Value: **8926**

Est. Acres: **0.24**  
Year Built:  
Sale Date: **11/30/2017**  
Sale Amount: **0**  
Sale Type: **S**

Land Class:

**100**

Building Class:

Neighborhood:

**City of Molalla newer**

Taxcode Districts:

Site

UGB:

**MOLALLA**

Flood Zone:

**Not Available**

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
R1	N/A	0.24

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

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Geographic Information Systems  
168 Warner-Milne Rd  
Oregon City, OR 97045

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## Property Report

**CITY OF MOLALLA**  
**117 N MOLALLA AVE**  
**MOLALLA, OR 97038**

Site Address: **NO SITUS**  
Taxlot **52E16AC07200**  
Land Value: **347038**  
Building Value: **0**  
Total Value: **347038**

Est. Acres: **3.66**  
Year Built:  
Sale Date: **01/27/2011**  
Sale Amount: **0**  
Sale Type: **S**

Land Class:

**400**

Building Class:

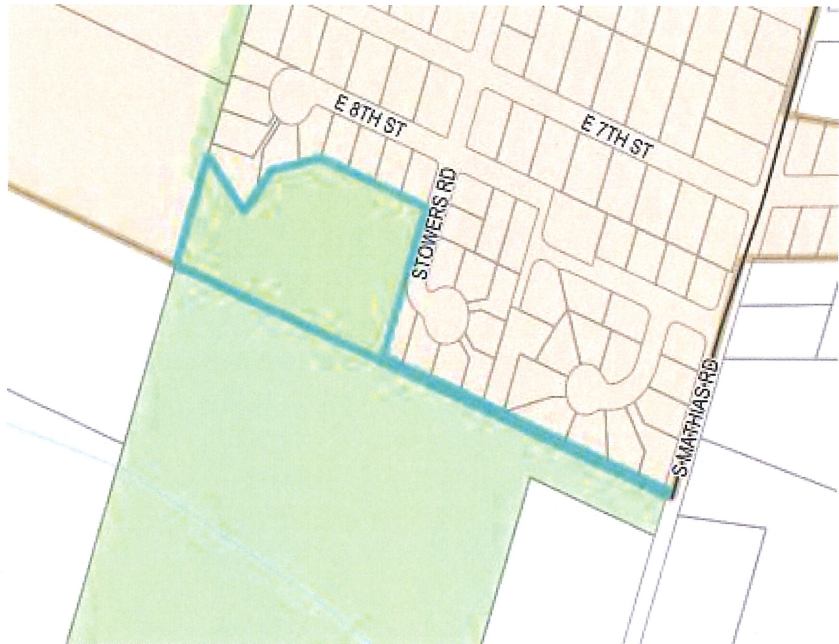
Neighborhood:

**City of Molalla all other**

Taxcode Districts:

Fire **Molalla RFPD #73**  
Park **N/A**  
School **Molalla River**  
Sewer **N/A**  
Water **N/A**  
Cable **n/a**  
CPO **City**  
Garb/Recyc **Molalla Sanitary**  
City/County **Molalla**

Location Map:



Site

UGB:

Flood Zone:

**MOLALLA**

**Not Available**

Zoning Designation(s):

<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>
R1	N/A	3.66

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.



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Molalla, Oregon 97038  
Phone: (503) 759-0205  
[communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)

## Staff Report: DCA11 & 12-2021

### Planning Commission Discussion

**Subject:** Discussion and Direction on Amending Current Sign Code; Discussion and Direction on Developing New Mural Code.

**Staff Recommendation:** None.

**Date of Meeting to Be Presented:** July 7<sup>th</sup>, 2021 – PC Discussion

**Background:**

**Sign Code-** The City's current sign code is overly complex and provides conflicting standards in some cases. To address this issue, City Staff is seeking direction from the PC on whether to pursue a full replacement, or to modify the existing ordinance to correct these issues.

**Murals-** The City is currently without a mural code which creates ambiguity in the community about if a mural can be placed and what the parameters are in placing one. The intent of developing a mural code is to encourage integration of local heritage into currently dead spaces, provide parameters for mural placement, and provide a process by which murals can be applied for and approved.

**Exhibits:**

Molalla Sign Code  
Florence Mural Ordinance  
Portland Mural Ordinance  
Milwaukie Mural Ordinance



Molalla Municipal Code							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>	<a href="#">Collapse</a>	<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 18 SIGNS</a>							

## Chapter 18.02 SIGNS

### 18.02.010 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 informational 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. (Ord. 2018-12 §2)

### 18.02.020 Rules for reading and applying sign code language.

- A. Reading and Applying the Code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this sign code are non-discretionary actions of the Planning Director to implement the code.
- B. Situations Where the Code is Silent. Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited. (Ord. 2018-12 §2)

### 18.02.030 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 1 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. (Ord. 2018-12 §2)

### 18.02.040 Permit requirements.

- A. Permit Required. All signs erected after the effective date of the ordinance codified in 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 permit applications shall be submitted on a form provided by the City. The sign permit application fee shall be set from time to time by resolution of the City Council. Such application and required fee shall be

filed in the office of the City Recorder. Applications shall be reviewed administratively by the City within approximately five to seven business days set forth in Section [18.02.040](#), and such issuance or denial shall constitute the City's decision on the application. A denial shall be in writing and explain the reason for such denial.

An applicant whose sign application has been conditioned, denied, suspended or revoked may file a written request with the City Manager. The request must be filed within 10 business days after the notice of conditioned, denied, suspended or revoked application is mailed or delivered, whichever is earlier. The written request shall include:

- a. The name and address of the applicant and the business owner if different than the applicant;
- b. The nature of the determination from which the request is taken and a copy of the determination;
- c. The reason or reasons why the determination is alleged to be incorrect; and
- d. What the correct determination should be.

This will be the final decision on the application.

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 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. (Ord. 2019-02 §§1, 2; Ord. 2018-12 §2)

#### **18.02.050 Construction and maintenance.**

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- 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 of 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 or location, pose immediate danger to the health, safety and welfare of the citizens of the city, either 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. (Ord. 2018-12 §2)

#### **18.02.060 Sign removal.**

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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. (Ord. 2018-12 §2)

#### **18.02.070 Nonconforming signs.**

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- A. A nonconforming 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 nonconforming 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 nonconforming sign is subject to the same limitations, application procedures and requirements set forth in this chapter for other nonconforming structures.

Except, approval of a nonconforming structure application is not required for the following:

1. Normal repair and maintenance, where the cost to repair the sign does not exceed 50% 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 nonconforming 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 nonconforming 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 of this chapter is not considered nonconforming.

G. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60% of its replacement value, the nonconforming 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 or she intends to terminate the business identified by said sign within 12 months of the date of the notice and agrees to remove the sign upon the expiration of the 12-month period or the date he or she terminates his or her business, whichever occurs first. (Ord. 2018-12 §2)

#### **18.02.080 Exempt signs.**

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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. (Ord. 2018-12 §2)

#### **18.02.090 Prohibited signs.**

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A. No sign, unless exempt or allowed pursuant to this chapter shall be permitted.

B. In a commercial or industrial zone no sign shall be placed inside or outside a structure so as to obscure more than 25% of any individual window surface. In a residential zone no sign shall be placed so as to obscure more than 10% of any individual window surface. Glass doors shall be considered an individual window surface.

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 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 32 square feet (counting both sides) on an undeveloped lot or parcel of property.
- S. Signs larger than 3 square 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. Any signs advertising a business or other use which has discontinued operation within the building, on the lot or in the development shall be deemed abandoned and shall be removed within 90 days of the time the business or use is discontinued, unless a new occupancy permit is issued for a new sign. Removal of the sign is the business owner's responsibility however if not removed within the 90 days becomes the property owner's responsibility.
- W. Signs in violation of the other chapters of the Molalla Municipal Code. (Ord. 2019-02 §§3, 4; Ord. 2018-12 §2)

### **18.02.100 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% 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:



<b>Street Frontage (ft)</b>	<b>Maximum Display Surface Area (sq ft)</b>	<b>Maximum Area of Any One Sign Face (sq ft)</b>	<b>Maximum Height Freestanding Signs (ft)</b>
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.**

1. 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.
2. Internal illumination is allowed.
3. 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.
4. Signs shall not flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
5. Exposed incandescent bulbs may be used on the exterior surface of a sign if each of such bulbs do not exceed 25 watts or unless each of such bulbs is 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 (H)(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 (H)(2)(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 1 or more of the standards detailed above in subsections (H)(1) through (3), may be approved by the Planning Director. 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.

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 1 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 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 1 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. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

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 Multifamily (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:

- i. Size. Maximum area on 1 sign face is 32 square feet;
  - ii. Maximum height 6 feet.
  - iii. Lighting. Indirect lighting shall be used when lighting is requested.
  - iv. Types of materials to be used shall be similar to that of the surrounding area. These types include:
    - (A) Wood;
    - (B) Stone;
    - (C) Brick.
  - v. No bright colors of any kind shall be allowed on these signs. All signage shall follow the base color code.
  - vi. Signs shall be placed in a landscaped area.
  - vii. 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.
- i. Size. Maximum of 40 square feet per sign face.
  - ii. Maximum height 7 feet.
  - iii. Location/Number. One sign per parcel.

2. Blade/Overhang Signs.

- a. Home Occupation or Permitted Commercial Use.
- i. Size. Maximum 2 square feet per sign face.
  - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
  - iii. Location/Number. One sign per building frontage.
- b. All other uses not allowed.

3. Wall Signs.

- a. Church, School, Public/Semi-Public Facility.
- i. Size. Maximum 9% 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.
  - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
  - iii. Location/Number. One sign per building frontage.
- b. Home occupation or permitted commercial use other than those listed above in subsection (M)(3)(a):

- i. Size. Maximum 2 square feet.
  - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
  - iii. Location/Number. Maximum 1 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.
    - i. Size. Bulletin board may encompass up to 75% of sign face area.
    - ii. Maximum height determined by height of sign.
    - iii. Location/Number. Only allowed as a permitted sign.
  - b. Electronic Message Board for Church, School, Public/Semi-Public Facility.
    - i. Size. Electronic message board may be no larger than 8-foot horizontal by 3-foot vertical from the ground.
    - ii. Maximum height determined by height of sign.
    - iii. 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.
    - i. Size. Maximum 40 square feet per sign face.
    - ii. Maximum height 8 feet.
    - iii. Location/Number. One sign may be located adjacent each street frontage.
  - b. All other uses not allowed.
- 6. Awning Sign or Canopy Sign. Not permitted on any use.
- 7. Marquee Sign. Not permitted on any use.
- 8. Window Sign.
  - a. Size. Maximum 15% of total window area.
  - b. Maximum height determined by height of window.
  - c. 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.
    - i. Size. Maximum 40 square feet per sign face up to 2 sign faces.
    - ii. Maximum height 9 feet.
    - iii. Location/Number. One sign may be located adjacent on each street frontage.
  - b. Minor Business Complex.
    - i. Size. Maximum 50 square feet per sign face up to 2 sign faces.
    - ii. Maximum height 12 feet.
    - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
  - c. Major Business Complex.
    - i. Size. Maximum 65 square feet per sign face up to 2 sign faces.

- ii. Maximum height 12 feet.
    - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
  - d. All Other Uses.
    - i. Size. Maximum 40 square feet per sign face up to 2 sign faces.
    - ii. Maximum height 9 feet.
    - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
- 2. Blade/Overhang Sign.
  - a. All Other Uses.
    - i. Size. Each sign shall have a maximum sign face area of 20 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.
    - ii. Maximum Height The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. 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.
    - i. Size. Maximum 9% 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.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. Location/Number. One sign per building frontage.
  - b. Home Occupation.
    - i. Size. Maximum 2 square feet.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. Location/Number. Maximum 1 sign; no specific location requirement.
  - c. Commercial Uses.
    - i. Size. Maximum sign area of all signage allowed on a primary building frontage is 8% 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% 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.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. Location/Number. One sign per building frontage for each business license on file with the city at that location.
  - d. 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% 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.
    - i. Size. Maximum 40 square feet per sign face (up to 2 faces).
    - ii. Maximum height 12 feet.
    - iii. Location/Number. One sign may be located adjacent to each street frontage.
  - b. Minor Business Complex.
    - i. Size. Maximum 50 square feet per sign face (up to 2 faces).
    - ii. Maximum height 18 feet.
    - iii. Location/Number. One sign may be located adjacent to each street frontage.
  - c. Major Business Complex.
    - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 8% 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% of the building elevation area.
      - (C) The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
    - ii. Maximum Height. Shall not project above the roof line or top of the parapet wall, whichever is higher.
    - iii. 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.
    - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% 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% of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
    - ii. Maximum Height. Shall not project above the roofline or parapet wall whichever is higher.
    - iii. Location/Number. One sign per building frontage for each business license on file with the city at that location. Sign shall not 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 8½ foot clearance shall be provided between grade and bottom of the sign.

8. Marquee Sign.

a. Use on Site—All Uses.

i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

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.

ii. 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.

iii. 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.

i. Size. See Section [18.02.090\(B\)](#).

ii. Maximum height determined by height of window.

iii. 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.

i. Size. Maximum 48 square feet per sign face up to 2 sign faces.

ii. Maximum height 9 feet.

iii. Location/Number. One sign may be located adjacent on each street frontage.

b. Minor Business Complex.

i. Size. Maximum 100 square feet per sign face up to 2 sign faces.

ii. Maximum height 12 feet.

iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

c. Major Business Complex.

i. Size. Maximum 150 square feet per sign face up to 2 sign faces.

ii. Maximum height 12 feet.

iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

d. All Other Uses.

i. Size. Maximum 48 square feet per sign face up to 2 sign faces.

ii. Maximum height 12 feet.

iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

2. Blade/Overhang Signs.

a. All Other Uses.

i. Size. Each sign shall have a maximum sign face area of 48 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.

- ii. **Maximum Height.** The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
  - iii. **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.**
    - i. **Size.** Maximum sign area of all signage allowed on a primary building frontage is 8% 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% 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.
    - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. **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.**
    - i. **Size.** May encompass up to 75% of the sign face area.
    - ii. **Maximum height** determined by height of sign.
    - iii. **Location/Number.** Only allowed as a permitted sign.
  - b. **Bulletin Board—All Other Uses.**
    - i. **Size.** May encompass up to 50% of sign face area.
    - ii. **Maximum height** determined by height of sign.
    - iii. **Location/Number.** Only allowed as part of a permitted sign.
  - c. **Electronic Message Board—All Uses.**
    - i. **Size.** May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
    - ii. **Maximum height** determined by height of sign.
    - iii. **Location/Number.** Only allowed as part of permitted sign.
- 5. **Pole Signs.**
  - a. **Church, School, Public/Semi-Public Facility.**
    - i. **Size.** Maximum 48 square feet per sign face (up to 2 faces).
    - ii. **Maximum height** 18 feet.
    - iii. **Location/Number.** One sign may be located adjacent each street frontage.
  - b. **Minor Business Complex.**
    - i. **Size.** Maximum 100 square feet per sign face (up to 2 faces).
    - ii. **Maximum height** 20 feet.
    - iii. **Location/Number.** One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
  - c. **Major Business Complex.**

- i. Size. Maximum 130 square feet per sign face (up to 2 faces).
      - ii. Maximum height 26 feet.
      - iii. Location/Number. One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
    - d. All Other Uses.
      - i. Size. Maximum 48 square feet per sign face (up to 2 faces).
      - ii. Maximum height 18 feet.
      - iii. Location/Number. One sign; except 1 sign may be located adjacent each collector or arterial street frontage.
  - 6. Awning Sign and Canopy Sign.
    - a. Use on Site—All Uses.
      - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% 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% of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
      - ii. Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
      - iii. 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 8½ foot clearance shall be provided between grade and bottom of sign.
  - 7. Marquee Sign.
    - a. Use on Site—All Uses.
      - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

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.
      - ii. 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.
      - iii. Location/Number. Outer edge of sign shall be setback a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.
  - 8. Window Signs.
    - a. Use on Site—All Other Uses.
      - i. Size. See Section [18.02.090\(B\)](#).
      - ii. Maximum height determined by height of window.
      - iii. 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.
      - i. Size. Maximum 32 square feet per sign face up to 2 sign faces.

- ii. Maximum height 7 feet.
    - iii. Location/Number. One sign may be located adjacent on each street frontage.
  - b. Residential—None.
  - c. All Other Uses.
    - i. Size. Maximum 32 square feet per sign face up to 2 sign faces.
    - ii. Maximum height 7 feet.
    - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
- 2. Blade/Overhang Signs.
  - a. All Other Uses.
    - i. Size. Each sign shall have a maximum sign face area of 6 square feet.
    - ii. Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
    - iii. 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.
    - i. Size. Maximum sign face area for each sign is 60 square feet on a primary building frontage. The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. Location/Number. One sign per building frontage.
  - b. All Uses.
    - i. Size. The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the primary building. The maximum sign face area of all signage allowed on a secondary building frontage is 4% of the building elevation of the secondary building frontage, up to a maximum of 8 square feet.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is greater.
    - iii. Location/Number. No more than 1 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.
    - i. Size. May encompass up to 75% of the sign face area.
    - ii. Maximum height determined by height of sign.
    - iii. Location/Number. Only allowed as a permitted sign.
  - b. Bulletin Board—All Other Uses.
    - i. Size. May encompass up to 50% of sign face area.
    - ii. Maximum height determined by height of sign.
    - iii. Location/Number. Only allowed as part of a permitted sign.
  - c. Electronic Message Board—All Uses.
    - i. Size. May be no larger than 8-foot horizontal by 3-foot vertical from the ground.



- ii. Determined by height of sign.
    - iii. Location/Number. Only allowed as part of permitted sign.
  - 5. Pole Signs.
    - a. Church, School, Public/Semi-Public Facility.
      - i. Size. Maximum 32 square feet per sign face (up to 2 faces).
      - ii. Maximum height 8 feet.
      - iii. Location/Number. One sign may be located adjacent to each street frontage.
    - b. All Other Uses.
      - i. Size. Maximum 32 square feet per sign face (up to 2 faces).
      - ii. Maximum height 8 feet.
      - iii. Location/Number. One sign; except on a site with more than 1 street frontage, 1 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.
      - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 50 square feet.  
The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 25 square feet.
      - ii. Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
      - iii. 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 8½ 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.
      - i. Size. See Section [18.02.030\(B\)](#).
      - ii. Maximum height determined by height of window.
      - iii. 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.
      - i. Size. Maximum 32 square feet per sign face up to 2 sign faces.
      - ii. Maximum height 6 feet.
      - iii. Location/Number. One sign.
    - b. All Uses in Support Commercial.
      - i. Size. Maximum 32 square feet per sign face up to 2 sign faces.
      - ii. Maximum height 8 feet.
      - iii. Location/Number. One sign.
  - 2. Blade/Overhang Signs.
    - a. All Other Uses.

- i. Size. Each sign shall have a maximum sign face area of 48 square feet.  
The total sign face area of all signs placed on a primary building frontage shall not exceed 12% of the building elevation area of the primary building frontage.
  - ii. Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
  - iii. 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.
    - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 300 square feet.  
The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 190 square feet.
    - ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
    - iii. Location/Number. Painted wall signs are prohibited. Internally illuminated box style signs, also called can signs, are prohibited. For other types of wall signs, 1 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.
    - i. Size. May encompass up to 50% of sign face area.
    - ii. Maximum height determined by height of sign.
    - iii. Location/Number. Only allowed as part of a permitted sign.
  - b. Electronic Message Board—All Uses.
    - i. Size. May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
    - ii. Determined by height of sign.
    - iii. 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.
    - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.  
The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.
    - ii. Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
    - iii. 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 8½ 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.
    - i. Size. See Section [18.02.090\(B\)](#).
    - ii. Maximum height determined by height of window.

- iii. Location/Number. Only allowed in ground floor or 2nd floor windows. (Ord. 2019-02 §4; Ord. 2018-12 §2)

### **18.02.110 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 1 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. 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.
- E. 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 1 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.
- F. 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.
- G. No "solicitation" sign pursuant to size.
- H. Signs attached to or carried by a person limited to 6 square feet in total size.
- I. Flags as outlined in Chapter 21.30. (Ord. 2018-12 §2)

### **18.02.120 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 meeting before the City Manager to contest the sign removal. To request a meeting, the owner of a sign must request in writing for a meeting within 15 days of the date of mailing of the notice as provided in subsection (A)(5)(c) above.

**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% 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 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.
- 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. (Ord. 2019-02 §4; Ord. 2018-12 §2)

### **18.02.130 Temporary signs requiring a permit.**

A. 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.

B. The following requirements shall be met, as applicable:

1. 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.
2. 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.
3. 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 1 day following the event being advertised.
4. A copy of any liability and/or property damage insurance required by the property owner where the sign or banner will be located.
5. A signed rebate and indemnity agreement shall be provided if placing a banner over the public right-of-way.
6. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.

C. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.

D. Any temporary sign that exceeds 6 square feet in size. (Ord. 2018-12 §2)

#### **18.02.140 Signs requiring a permit.**

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A. 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.

B. 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. (Ord. 2018-12 §2)

#### **18.02.150 Automobile service station sign standards.**

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Sign denoting gasoline prices, as provided for in Oregon Revised Statutes 649.030, are permitted subject to the following provisions:

- A. Maximum area on 1 sign face is 20 square feet.
- B. Maximum height is 25 feet or that required under freestanding signs whichever is less.
- C. Only 1 gasoline sign shall be allowed per business location street frontage. (Ord. 2018-12 §2)

#### **18.02.160 Signage on cars.**

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Signs on cars not otherwise discussed in the MDC shall meet the following requirements:

- A. Shall not project beyond the original frame of the vehicle more than 1/4 inch; exceptions: pizza delivery, taxi, and the like;
- B. Shall not be larger than 6 square feet; car wraps are exempt from the size requirements; and
- C. Shall not be parked in a right-of-way for periods of time to be used as a portable sign. (Ord. 2018-12 §2)

#### **18.02.170 Garage/household sales.**

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Signs advertising household goods, such as a garage sale, are permitted, subject to the following provisions:

- A. Maximum area on 1 sign face is 6 square feet.



- B. Height of 3 square feet.
- C. On premises sign—One sign.
- D. Three off-premises A-frame signs.
- E. Placement no earlier than 8:00 a.m. on the first day and removal no later than 7:00 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. (Ord. 2018-12 §2)

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### **18.02.180 Nameplates.**

Nameplates identifying the occupant of a residence are permitted outright when not exceeding 1 square foot in size. (Ord. 2018-12 §2)

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### **18.02.190 Open house signs/for sale signs.**

- A. 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.
- B. 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. (Ord. 2018-12 §2)

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**TITLE 10  
CHAPTER 26**

**MURAL REGULATIONS**

**SECTION:**

10-26-1:	Purpose, General Provisions
10-26-2:	Definitions
10-26-3:	Prohibited Murals
10-26-4:	Exemption from Permit Requirement
10-26-5:	Mural Permit Application
10-26-6:	Mural Permit Criteria
10-26-7:	Structural Review
10-26-8:	Suspension or Revocation
10-26-9:	Inspections and Expiration of Permit
10-26-10:	Maintenance of a Permitted Mural
10-26-11:	Alterations to a Permitted Mural
10-26-12:	Removal of a Permitted Mural
10-26-13:	Enforcement
10-26-14:	Appeals

**10-26-1: PURPOSE, GENERAL PROVISIONS:** The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

**10-26-2: DEFINITIONS:**

ALTERATION	Any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.
COMMUNITY DEVELOPMENT DIRECTOR	The Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."
MURAL	A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.
PERMITTED MURAL	A mural for which a permit has been issued by the City of Florence pursuant to this chapter.

**10-26-3: PROHIBITED MURALS:**

- A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:
1. Electrical or mechanical components; or
  2. Changing images.

**10-26-4: PROHIBITED MURALS:**

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

**10-26-5: MURAL PERMIT APPLICATION:**

- A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."
- B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:
  - 1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
  - 2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
  - 3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
  - 4. A color image of the proposed mural with dimensions drawn to scale.
  - 5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.
  - 6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

**10-26-6: MURAL PERMIT CRITERIA:** No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

  - 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.
  - 2. The mural may reflect the diversity of the world.
  - 3. The mural may reflect historic, cultural, or natural heritage.
  - 4. The mural respects the original character of the building and surrounding buildings

- B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.
  2. The mural will not create traffic or safety hazards.
  3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.
- C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.
- D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.
- E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.
- F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.
- G. The creator/artist is under contract or other obligation to complete the Mural.
- H. The Mural is an original work of art
- I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

**10-26-7: STRUCTURAL REVIEW:** Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

**10-26-8: SUSPENSION OR REVOCATION:**

- A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:
1. The permit issued on the basis of incorrect information supplied by the applicant; or
  2. The permit is issued in violation of any provisions of Title 10.

**10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:**

- A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.
- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

**10-26-10: MAINTENANCE OF A PERMITTED MURAL:** For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

**10-26-11: ALTERATIONS TO A PERMITTED MURAL:** Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

**10-26-12: REMOVAL OF A PERMITTED MURAL:**

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

**10-26-13: ENFORCEMENT:**

- A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred by the term "operator".



- B. Notice of violations: The Community Development Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

**10-26-14: APPEALS:** Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.

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Amended by Ordinance 6, Series 1999 effective 4-19-99

Amended by Ordinance 17, Series 1999 effective 1-7-2000

Amended by Ordinance, Series 2000 effective 7-21-2000

Amended by Ordinance 16 Series 2009 effective 10-12-2009

Section 10-26-6 Amended by Ord. No. 9, Series 2009

Sections 10-26-3-1, 10-26-32, 10-26-4, 10-26-5, 10-26-6, 10-26-7, 10-7-8 and 10-26-9 Deleted, and Sections 10-26-1, 10-26-2, 10-26-3, and Title Amended by Ord. No. 4, Series 2011 effective April 22, 2011

Sections 10-26-1, 10-26-2, and 10-26-3 Amended, and Sections 10-26-4 through 10-26-14 Added by Ord. No. 5, Series 2011 effective April 22, 2011



## Chapter 4.20 Allowed and Prohibited Original Art Murals

### City Code Chapter

#### [4.20.010 Allowed Original Art Murals.](#)

(Amended by Ordinance Nos. 185915 and 189656, effective September 20, 2019.) Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

- A.** No part of the mural shall exceed 30 feet in height measured from the grade plane.
- B.** The mural shall remain in place, without alterations, for a period of 2 years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of 2 years without alteration.
- C.** The mural shall not extend more than 6 inches from the plane of the surface upon which it is tiled or painted or to which it is affixed.
- D.** In Design Overlay Zones, the mural shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.
- E.** In the Historic Resource Overlay Zone, murals may be allowed on buildings or structures that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

#### [4.20.020 Prohibited Murals.](#)

(Amended by Ordinance No. 189656, effective September 20, 2019.) The following are prohibited:

- A.** Murals on sites developed with residential buildings with fewer than five dwelling units on the site.
- B.** Murals on sites with historic or conservation landmarks.
- C.** Murals on sites containing buildings that have been identified as contributing structures to a historic or conservation district.
- D.** Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- E.** Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.
- F.** Murals on stormwater facilities.

#### [4.20.030 Relationship of Permitted Original Art Mural to other Regulations.](#)

The exemption of PCC Subsection 32.12.020 J. applies only to Original Art Murals for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Portland City Code, including but not limited to Titles 24 and 33.

#### [4.20.040 Exceptions to this Title.](#)

Exceptions to the regulations of this Title are prohibited.

##### General information

✉ [cityinfo@portlandoregon.gov](mailto:cityinfo@portlandoregon.gov)

📞 [503-823-4000](tel:503-823-4000)

🗎 [711](#) Oregon Relay Service

##### City of Portland, Oregon



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CITY OF MILWAUKIE  
*"Dogwood City of the West"*

**Ordinance No. 2079**

**An ordinance of the City Council of the City of Milwaukie, Oregon, to establish Milwaukie Municipal Code Title 20 Public Art, Chapter 20.04 Art Murals, with Sections 20.04.050 Public Art Murals and 20.04.060 Original Art Murals, containing rules and procedures for allowing public art murals and original art murals within the City.**

**WHEREAS**, the City of Milwaukie finds that murals are a unique form of public art that add visual interest to buildings and spaces, build community identity, and celebrate the history, culture, and values of the city; and

**WHEREAS**, the City of Milwaukie desires to allow murals as a form of public art in order to realize the beneficial aspects of murals; and

**WHEREAS**, the City does not regulate signage on the basis of sign content, and currently regulates murals in the same manner as other signage; and

**WHEREAS**, the City of Milwaukie has worked with mural artists, art professionals, and community stakeholders in devising a program for public art murals; and

**WHEREAS**, the City Council held a duly advertised public hearing on the establishment of Title 20, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes;

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Amendments. Title 20 Public Art is enacted, as described in Exhibit A.

Read the first time on 6/3/14, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 6/3/14.


(See Page 2 for Signatures)

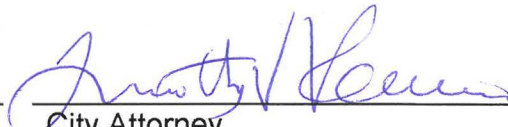
Signed by the Mayor on 6/3/14.

  
\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
\_\_\_\_\_  
FOR Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney



## Amendments

### TITLE 20 PUBLIC ART

#### CHAPTER 20.04 ART MURALS

##### 20.04.010 PURPOSE

The purpose of this title, and the policy of the City of Milwaukie, is to permit and encourage art murals under certain terms and conditions. Art murals comprise a unique medium of expression that serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of, and identification with, original works of art; and a reduction in the incidence of graffiti and other crime. Art murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians and are retained for periods of 5 years or more.

##### 20.04.020 DEFINITIONS

Words used in this title have their normal dictionary meaning unless they are listed in this chapter or unless this title specifically refers to another title. Words listed in this chapter have the specific meaning stated or referenced unless the context clearly indicates another meaning.

"Applicant" means the party that is primarily responsible for the design and installation of an art mural.

"Original art mural" means a hand-painted image on the exterior wall of a building that may comprise up to 40% of the surface area of a building wall.

"Public art mural" means a hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building where the wall or surface is either on City-owned property or has a public art easement and is viewable from another property or right-of-way.

"Mural easement" means an easement granted to the City of Milwaukie by a property owner for purposes of installing and maintaining a public art mural on the surface of a structure or building.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

"Owner" means the entity(ies) that own(s) the real property that contains the building or structure upon which a public art mural is installed. In the case where a public art mural is installed in the right-of-way, the owner means the entity(ies) with jurisdiction over that right-of-way.

"Right-of-way" means an area that allows for the passage of people or goods. 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.

"Ad Hoc Mural Committee" means the committee assembled on an ad hoc basis to review and make a recommendation to the Milwaukie Arts Committee regarding a mural application, based on criteria established in the Milwaukie Mural Arts Program administrative rules and procedures.

#### **20.04.030 PROHIBITION OF COMPENSATION**

No compensation will be given or received for the display of art murals or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

#### **20.04.040 VIOLATIONS AND ENFORCEMENT**

It is unlawful to violate any provision of this title; any administrative rules adopted by the City of Milwaukie pursuant to this title; or any representations made, or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor of a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

##### **A. Notice of Violations**

The City Manager, or designee, must give written notice of any violation to the property owner. Failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

##### **B. Responsibility for Enforcement**

The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Manager, or designee.

#### **20.04.050 PUBLIC ART MURALS**

##### **A. Standards for Public Art Murals**

###### **1. Allowed Locations**

Public art murals are only allowed on buildings or structures as described below, unless a public art mural is specifically prohibited by Subsection 20.04.050.A.2. Zoning designations refer to the base zones established in Title 19.

###### **a. Downtown Zones**

Public art murals are allowed in areas zoned Downtown Commercial, Downtown Office, Downtown Storefront, Downtown Residential, or Downtown Open Space.

###### **b. Commercial Zones**

Public art murals are allowed in areas zoned General Commercial or Community Shopping Commercial.

###### **c. Industrial Zones**

Public art murals are allowed in areas zoned Manufacturing or Business Industrial.

d. Community Service Uses

Public art murals are allowed on uses that have received approval as a community service use, per Section 19.904.

2. Specifically Prohibited Locations

Public art murals are specifically prohibited on buildings or structures that are designated as a Contributing or Significant Historic resource per Section 19.403.

B. Public Ownership, Duration and Alteration

1. Public Ownership

The mural must be on the surface of a building or structure that is either on property owned by the City of Milwaukie or for which a mural easement to the City has been granted.

2. Duration and Alteration

The public art mural shall remain in place, without alteration, for a minimum period of 5 years. "Alterations" includes any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

Public art murals may be removed within the first 5 years of the date of registration, per the terms of the public art easement and under any of the following circumstances:

- a. The property on which the mural is located is sold.
- b. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.
- c. The property undergoes a change of use authorized by the Planning Department.

C. Physical Standards

1. Dimensions

A public art mural may wrap around a wall edge or corner and/or may extend above the wall height.

2. Materials

Public art mural materials may include the following: paint, painted wood or plastic surfaces affixed to a building or structure, mosaics of ceramic tile and/or glass, vinyl or pella, or similar materials. The Ad Hoc Mural Committee and Milwaukie Arts Committee may consider other materials in their review of a proposed public art mural.

3. Placement

No new public art mural shall obstruct the functioning of any building opening, including, but not limited to, windows, doors, and vents.

**D. Structural Permit**

Public art murals that are affixed to a building, or contain elements that extend above or around a wall, shall require structural permit approval as deemed necessary by the Milwaukie Building Official.

**E. Lighting**

No new or existing public art mural may consist of, or contain, electrical or mechanical components or changing images; i.e., moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message. Static illumination, which is turned off and back on not more than once every 24 hours, is permitted.

Lighting may be required for safety or crime deterrent purposes with consideration to impacts to surrounding on properties, as determined by the City Building Official.

**F. Application**

An applicant shall initiate a proposal to place a public art mural by filing an application with the City. The application shall be made on forms provided by the City, include the application fee for review of a public art mural, and include any accompanying materials deemed necessary by the City for review of the public art mural proposal (such as proposed designs, site photos, and building or structure elevation drawings).

Any fees shall be in accordance with the City's fee schedule.

**G. Administrative Review**

1. Upon submission of a complete application for a public art mural, the City Manager, or designee, shall review the proposal for conformance with the standards in Subsection 20.04.050.A.
2. Upon finding that the proposed public art mural conforms with the standards in Subsection 20.04.050.A, the City Manager, or designee, shall inform the applicant in writing that the proposed public art mural meets the standards in Subsection 20.04.050.A. The City Manager, or designee, shall then provide the applicant with the materials necessary to complete the public notice requirements in Subsection 20.04.050.H.2.
3. Prior to the Ad Hoc Mural Committee review, the applicant shall provide documentation to the City Manager, or designee, that they complied with the public notice requirements of Subsection 20.04.050.H.2.

**H. Public Notice**

**1. Mailed Notice**

Mailed notice is intended as a courtesy and to provide the Neighborhood District Associations (NDAs) a chance to invite the applicant to discuss the proposal.

- a. The City Manager, or designee, shall mail a notice to the chairperson of the NDA(s) containing, or whose boundary is within 300 feet of, the site of the proposed mural.
- b. The notice shall be mailed at least 14 days prior to the Ad Hoc Mural Committee's review of the proposed mural.
- c. The notice shall include instructions for submitting comments; the name and contact information for the applicant and owner; contact information for the City

Manager, or designee; and a legibly-sized color representation of the proposed public art mural.

2. Posted Notice

A notice shall be posted at the site of the proposed public art mural and shall conform to the following standards.

- a. The notice shall be posted at least 14 days prior to the Ad Hoc Mural Committee's meeting to review the proposed mural. The City Manager, or designee, shall provide the applicant with materials to be posted. The applicant shall be responsible for ensuring that the notice is posted and remains posted. If the notice is damaged or removed, the applicant shall replace the notice as soon as practicable.
- b. The notice shall be durable and waterproof.
- c. The notice shall be clearly visible from the public right-of-way and be at least 11 x 17 in. The City Manager, or designee, may require more than 1 sign to be posted, depending on specific site characteristics.
- d. The notice shall include the name and contact information for the applicant and owner; contact information for the City Manager, or designee; and a legibly-sized color representation of the proposed public art mural.

I. Ad Hoc Mural Committee Review

The Ad Hoc Mural Committee shall review the proposed public art mural. The intent of this review is to explore the feasibility of the mural, evaluate the community support for the proposed mural, assess the mural given its context and its placement on either a City building or building with a public art easement, and to make a recommendation to the Milwaukie Arts Committee for approval, approval with conditions, or denial of the public art mural application.

1. Committee Composition

The Ad Hoc Mural Committee shall be selected by the City Manager, or designee, and will be comprised of a minimum of 3 members and maximum of 5 members. A majority of the members shall be professional mural artists and/or professional public art administrators. At least 1 member shall also reside, own property, or own a business within the neighborhood where the mural is proposed.

Further selection criteria may be set forth in the Milwaukie Mural Arts Program administrative rules and procedures.

2. Review Process

The Ad Hoc Mural Committee shall be convened by the City Manager, or designee, and shall meet within 30 business days of the submitted mural application being deemed complete.

3. Review Criteria

a. Scale

Appropriateness of scale to the wall upon which the mural will be painted/attached and to the surrounding physical features.



b. Context

Architectural, geographical, sociocultural, and/or historical relevance to the site.

c. Community Support

General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, and/or arts community.

d. Feasibility

Demonstrated ability to complete the proposed mural on time and within budget.

e. Media

Appropriate media proposed to ensure the mural's longevity and durability.

f. Structural and Surface Stability

Commitment to repair the mural surface as necessary before painting and a plan for mitigating graffiti through design and/or graffiti coating.

g. Signed Easement Form from Building Owner

Commitment to keep the mural in place as approved for a minimum of 5 years and to maintain the mural during that time.

h. Public Accessibility, Safety and Lighting

Compliance with City codes for safety, accessibility, and lighting.

J. Milwaukie Arts Committee Review

1. Authority

The Milwaukie Arts Committee shall have the authority to determine if an application for a public art mural substantially meets all of the applicable requirements and to issue a final approval, approval with conditions, or denial of the public art mural application.

2. Notice of Decision

The City Manager, or designee, shall issue the notice of decision in writing. The decision shall include the following information:

a. A brief summary of the proposal.

b. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.

c. A statement of the facts that the review authority relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.

d. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.

e. The date upon which the decision rendered shall become final, unless appealed. The decision shall state the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.

f. A statement that the complete public art mural application file is available for review, including findings, conclusions, and any conditions of approval. The decision shall list when and where the case file is available and the name and

telephone number of the City representative to contact about reviewing the case file.

K. Appeals

A decision on the approval, approval with conditions, or denial of the public art mural application may be appealed by filing a written request to the City Manager within 15 days of the date on the notice of decision. If the 15<sup>th</sup> day falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

L. Mural Maintenance

Public art murals shall be maintained by the property owner for 5 years and per the terms outlined in the public art easement.

**20.04.060 ORIGINAL ART MURALS**

A. Standards for Original Art Murals

1. Original art murals are allowed on properties described in this subsection.
  - a. Properties in the sign districts 14.16.020 Residential-Office-Commercial Zone, 14.16.030 Neighborhood Commercial Zone, 14.16.040 Commercial Zone, 14.16.050 Manufacturing Zone, and 14.16.060 Downtown Zones.
  - b. Community service use properties, as defined in Subsection 19.904.2, regardless of the sign district in which the property is located.
  - c. Irrespective of Subsections 20.04.060.A.1.a and b, properties designated as significant or contributing historic resources, per Section 19.403, are not eligible for original art murals as allowed in this subsection. This does not prohibit any signage otherwise allowed by the sign district in which the historic resource is located or under Section 14.12.010.
2. An original art mural may comprise up to 40% of the surface area of a building wall. The area allowed for an original art mural is considered in conjunction with the size regulations for other wall signs, as allowed by the sign districts in Chapter 14.16, so that the combination of the wall sign and original art mural shall not exceed 40% of the wall face.
3. An original art mural may wrap around the corner of a building, but the area of the mural on each wall shall be calculated separately.
4. The area of an original art mural includes the area within a rectangular-shaped perimeter enclosing the limits of any lettering, writing, representation, emblem, symbol, figure, drawing, character, or large-scale pattern. If the mural consists of more than 1 section without a painted background, each section area will be calculated and all areas will be totaled. If the mural consists of more than 1 section with a painted image background, the area is calculated within a perimeter enclosing the entire limits of the mural. To simplify area calculation, the smallest dimension of any rectangular-shaped perimeter enclosing a section of the mural shall measure two feet.
5. No compensation may be given or received for placement of an original art mural. Prior to issuance of a sign permit for an original art mural, the building owner shall provide an affidavit that no compensation was or will be received for placement of the original art mural.

6. Where compensation is involved, nothing in Subsections 20.04.060.A.1 or 5 shall prohibit an original art mural from being permitted as a wall sign, as allowed per the sign district in which the property is located.
- B. Review and Permitting of Original Art Murals
1. Authority  
The Milwaukie Planning Director, or designee, shall have the authority to determine if an application for an original art mural meets all of the applicable requirements and to issue a final approval, approval with conditions, or denial of the original art mural application.
  2. Notice of Decision  
The Planning Director, or designee, shall issue the original art mural permit in writing.



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## Staff Report

### Planning Commission Discussion

**Subject:** Consideration of code amendment that modifies Molalla Municipal Code (MMC) 17-2.3.090 Dwellings in Commercial and Industrial Zones, to ensure that residential uses developed in Commercial Zones contain commercial components.

**Staff Recommendation:** Staff recommends that the Planning Commission recommend the proposed amendment to the Development Code for approval by City Council.

**Date of Meeting to Be Presented:** July 7<sup>th</sup>, 2021 – PC Discussion

**Fiscal Impact:** N/A

**Background:** At the present time, Molalla Municipal Code allows multifamily development in Commercial zones, subject to special use standards. With the present shortage of commercial land within the City's urban growth boundary, Staff is requesting that the Planning Commission consider for recommendation the following amendment to (MMC) 17-2.3.090 Dwellings in Industrial Zones, to ensure that residential projects in commercial zones are developed with commercial uses:

#### **17-2.3.090 Dwellings in Commercial and Industrial Zones**

- A. **Purpose.** This section provides standards for residential uses in the C-1, C-2 and M-1, M-2 zones.
- B. **Applicability.** This section applies to dwellings in the C-1, C-2 and M-1, M-2 zones.
- C. **Standards.** Residential uses in the C-1, C-2 and M-1, M-2 zones shall conform to all of the following standards:
  - 1. New residential uses shall not be located in a ground building floor space in the C-1 **and C-2 zones along Highway 211.**
  - 2. Single-family dwellings lawfully existing as of November 10, 2017 may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to Section 17-2.030 and applicable building codes. (Ord. 2017-08 §1)

The resulting amendment is intended to be a building block on the way to developing more expansive mixed use code provisions.