



Molalla City Council – REVISED Meeting Agenda
Meeting located at: Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038
March 25, 2015

Business meeting will begin at 7:00PM. The Council has adopted Public Participation Rules. Public comment cards are available at the entry desk. Request to speak must be turned into to the Mayor prior to the start of the regular Council meeting.

Executive Session After the meeting

1. CALL TO ORDER – 1,054th Regular Meeting

- A. Call the meeting to order
- B. Flag Salute and Roll Call

2. COMMUNICATIONS AND PUBLIC COMMENT

- A. Minutes: February 11, 2015 and February 25, 2015
- B. TAC Minutes: Information only
- C. Library Board Minutes

3. AWARDS, RECOGNITIONS & PRESENTATIONS

4. PUBLIC HEARINGS

- A. Development Code Amendment – Medical Marijuana

5. NEW BUSINESS

- A. OLCC Application – White Horse
- B. Citizen Appointment – Budget Committee

6. CONTINUING BUSINESS

6. RESOLUTION

7. ORDINANCES

- A. 2015-02: An Ordinance Amending The Molalla Land Use And Development Code To Impose Reasonable Regulations On The Placement Of Medical Marijuana Dispensaries In The City And Declaring An Emergency

8. PROCLAMATIONS

9. REPORTS AND ANNOUNCEMENTS

- A. City Manager/Staff Reports – Dan Huff

10. EXECUTIVE SESSION

- ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law.
- ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

11. ADJOURNMENT

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, February 11, 2015

ATTENDANCE: Mayor Rogge, Present; Councilor Pottle, Present; Councilor Thompson, Present; Councilor Griswold, Present; Councilor Cook, Present; Councilor Satter, Present; Councilor Riggs, Present.

STAFF IN ATTENDANCE: City Manager Dan Huff, Present; City Recorder Sadie Cramer, Present; Present; Public Works Director Jennifer Cline, Present.

COMMUNICATIONS AND PUBLIC COMMENT:

A. Minutes – January 28, 2015

Councilor Pottle made a motion to approve the minutes from the January 28, 2015 meetings. Councilor Griswold seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

PUBLIC HEARING (Not on agenda)

A. Skate Park Report

Citizen Ray Bash, 624 Wedgewood Drive, existing fence down, unsure of status of permanent fence. Proposed possibility of cameras on PAL building, one on mini mall, and Molalla Communications Center all provided by Molalla Communications installed within 30 days, maintained and monitored at no cost to the city upon approval of City Council. Councilor Pottle motions to approve the cameras, Councilor Thompson seconded. Discussion: Councilor Riggs asks if cameras are in lieu of fence. Possibility of fence uncertain at this time, but Mayor Rogge says cameras are a positive move for the park. CM Huff, does not oppose mounting camera on PAL building. Councilor Griswold asks if they are night vision and Ms. Bash confirms that cameras will have night vision and zoom capabilities. Multiple cameras mounted will provide visibility at multiple angles of the park as well as parking lot. Zach Botsford with MCC in charge of this project. Cameras will consist of one week recording periods, footage will be monitored at

night. Councilor Cook suggests surveillance signage, Ms. Bash suggests taking Pepco Designs up on their offer of donating free signs for the park. Councilor Thompson states he still wants discussions on the fence to happen in the future. Motion for the cameras approved (7-0).

NEW BUSINESS

A. Eagle Elsner Change Order – Huff/Cline

PW Director Cline says that water line under second phase of Stowers/ Heinz/ Grange project was transite, was not in original design and wants to replace the water line now while the street is open before all new pavement goes down in the City's best interest. Transite is the asbestos line which tends to fail and is brittle. Eagle Elsner provided estimate of \$161,000 to replace the water line and which is available in water cap. PW Director Cline answers all questions regarding what services are involved in the quote and confirms that the quote includes all materials and labor through the contractor. Councilor Thompson motions in favor of replacing the water line; Councilor Pottle seconded. CM Huff states that the cost on upgrade from the 8 inch to 10 inch main may be covered by using SDC funds and will look into that. Motion for authorizing cost of water line replacement approved (7-0).

CONTINUING BUSINESS

A. Measure 91 Discussion – Dan Huff Process Update

CM Huff stated he included a discussion item in their packet that staff prepared that was sent to DLCDD (Department of Land Conservation and Development) so that the notification process could begin. Scheduled public hearing for Planning Commission regarding pending ordinance change. Specifies changes can still be made before ordinance is adopted. A final version will be presented prior to adoption of ordinance. Councilor Cook suggests adding licensed daycares to the list of places that dispensaries need to be within 1000 ft of. Planning commission meeting will be March 4, 2015.

REPORTS & ANNOUNCEMENTS

City Manager/ Staff Report

CM Huff says supplemental budget coming to Councilor next meeting, when they get packets contact him or Finance Director Heather Penni with any questions prior to the meeting.

CM Huff points out that he emailed and provided copies of goals to the Council. Wants to move meeting to March 11, 2015 and to please consider this. Mayor Rogge asks if Councilor wants to review any of the goals, Councilor agrees unanimously that they want to wait on discussion until a later time.

Councilor Griswold reports that SB6 SJM has been submitted regarding changes to Article 5 of the Constitution, encourages public knowledge of this.

Councilor Thompson suggests that city staff be involved in suggesting some items to consider for Councilor goals. TAC meeting 6 months ago put forward motion to consider possible road funding options available. Two funding options to be considered; a fee, or a city gas tax. PW Director Cline says that Mike Besner from Clackamas County was going to provide options on how city can collect the tax. She states it will be on the next TAC meeting agenda as well as public outreach. Mayor Rogge encourages use of the city website to communicate this process.

Councilor Pottle reports that he met with OOI, a group at MHS of young adults regarding providing activities to youth in the city. They want to present to Councilor the next meeting on February 25, 2015.

PW Director Cline has been following upcoming STIP (State Transportation Improvement Program) funding. Three phases total consisting of two safety phases, one enhanced phase. First phase, Systemic, second, Hot Spot for funding. Systemic is looking for spending safety funds on ODOT highways only. Molalla did qualify in areas due to intersection crashes. Systemic phase does low cost improvements in the corridor to reduce possibility of crashes. These would be signage improvements, flashing or otherwise, rumble strips on the roadway, etc. Next phase is Hot Spot which is location specific. And then the Enhanced phase which consists of widening, channeling, ADA compliance. Molalla did not qualify in the area of bicycle and pedestrian safety. Incidents involving those were too few

and far between. CM Huff states that the other pending projects is for a TGM/ TSP grant.

ADJOURNMENT:

Councilor Pottle made a motion to enter into executive session. Councilor Thompson seconded, Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

Sadie Cramer, City Recorder

Mayor Debbie Rogge

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, February 25, 2015

ATTENDANCE: Mayor Rogge, Present; Councilor Pottle, Present; Councilor Thompson, Present; Councilor Griswold, Present; Councilor Cook, Absent; Councilor Satter, Present; Councilor Riggs, Present.

STAFF IN ATTENDANCE: City Manager Dan Huff, Present; City Recorder Sadie Cramer, Present; Present; Heather Penni Finance Director, Present.

COMMUNICATIONS

A. Minutes: February 11, 2015 - Next Council Meeting March 25, 2015

PUBLIC COMMENT

Michelle Bayley of Mulino informed the Council that the Community Outreach French Exchange Program is coming back and presents a great opportunity for youth.

PUBLIC HEARINGS

A. **Supplement Budget Hearing for FY 14/15**

Councilor Thompson made the motion to close the regular session and open into a public hearing. Councilor Pottle seconded. Vote 6-0

The hearing was opened by Mayor Rogge who called for any public testimony in favor, against or neutral. Hearing none, Mayor Rogge closed the public hearing. A motion to enter back into regular session was made by Thompson and seconded by Pottle. Vote: 6-0

NEW BUSINESS

A. The Mayor appointed Elizabeth Klien and Leota Childress to the Budget Committee to fill vacancies. There is one vacancy left.

RESOLUTION

A. **Resolution 2015-02: A Resolution Adopting A Supplemental Budget and Making Supplemental Appropriations for Fiscal Year 14/15**

Councilor Pottle made the motion to adopt resolution 2015-02. Councilor Thompson seconded. Vote: 6-0

B. Resolution: 2015-03: A Resolution Making Supplemental Budget Transfer Within the General Ledger for the City of Molalla

Councilor Pottle made the motion to adopt resolution 2015-03. Councilor Thompson seconded. Vote: 6-0 It was noted that the transfer is to cover current and the rest of the 2015 aquatic center expenses.

ORDINANCES

A. 2015-01: An Ordinance Repealing Section 13.08.720 Improper Connection – Correction By City In The Molalla Municipal Code In Its Entirety.

Councilor Thompson made the motion to read by title only Ordinance 2015-01.
Councilor Griswold seconded. Vote: 6-0
Councilor Thompson made the motion to have the second reading by title only Ordinance 2015-01. Councilor Griswold seconded. Vote: 6-0
Councilor Thompson made the motion to adopt by title only Ordinance 2015-01.
Councilor Griswold seconded. Vote: 6-0

REPORTS AND ANNOUNCEMENTS

Huff: Street program is moving along well and CSBG funds were received for Lola.

Penni: The new budget calendar is set. The first budget committee meeting for the city and Urban Renewal Agency will be on May 5, 2015 at the Molalla Adult Center.

Satter: Attended the Library meeting and the board assigned chair positions. The library will also be getting new carpet installed this month.

Griswold: Thanked Heather Penni for her help and good work on the supplemental budget. He attended the TAC meeting and where discussion took place regarding a utility tax and gas tax.

Riggs: He attended the Molalla Area Seniors meeting and they are on track for raising money for a new roof by the end of summer.

Rogge: She and 3 members of the school board had a productive discussion about the pool. She commended the work done on the road projects and that there are good things happening.

ADJOURNMENT

7:22pm Councilor Pottle made the motion to adjourn. Satter seconded. Vote: 6-0

Sadie Cramer, City Recorder

Mayor Debbie Rogge



Molalla Transportation Advisory Committee

Meeting located at: Molalla City Hall
117 N. Molalla Avenue Molalla, OR 97038

February 24, 2015

Regular Meeting Minutes

Business meeting: The meeting will begin at 6:00 p.m. The TAC 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 Board 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.

1. **CALL TO ORDER**

A. Flag salute and roll call

2. **COMMUNICATIONS AND PUBLIC COMMENT**

A. Public Comment

3. **AWARDS & RECOGNITIONS**

4. **PUBLIC HEARINGS**

5. **CONTINUING BUSINESS**

6. **ORDINANCES**

7. **OLD BUSINESS**

A. Introductions/Review Roles of the Committee

B. ODOT Region 1 – ACT Options

a) ACT updates – Update Provided by guest speaker, Glen Borth, who attend the C4 meetings.

C. Street Maintenance Funding Options

a) Discuss Street Utility Tax Options – Moved to New Business Items

D. Transportation System Plan

a) Grant application available in Feb/March – Nicolas, City Planner, in process of submitting the Pre-application for TGM Grant funding

b) Discuss options for TSP Revisions – Funding & Resources – Set over for next TAC meeting

8. **NEW BUSINESS**

E. Street Maintenance Funding Options

a) Discuss Street Utility Tax Options

i) Motion to recommend to council to implement a \$4 Utility Fee (\$3 Streets, \$1 Storm) & 2% City Gas Tax to focus on Street Maintenance & Improvement projects. Motion was seconded with all in favor of the motion. Additional considerations for the motion include:

- (1) Inform public of current City street pavement assessment and funding options
- (2) Research & develop criteria for expenditure
- (3) Research the efficiency and sustainability of implimenting a gas tax.
- (4) Conduct Town Hall metting for Q & I with other Public Information avenues.

9. RESOLUTIONS

10. PROCLAMATIONS

11. REPORTS AND ANNOUNCEMENTS

A. Staff Communications

B. Next Board Meeing – March 24, 2015 @ 6:00 PM

Open to Board Members

12. ADJOURNMENT

Molalla Library Advisory Board

Meeting Date: 1-15-2015

Meeting brought to order by Paula Beck at 6:38 P.M.

Members Present: Paula Beck, Mary Gilson, Kelly Andrews, Sandy Nelson, Angela Patton

Staff Present: Diana Hadley

The minutes from the November meeting were approved as read.

- Director's Report: (See Diana if you didn't receive one.)
 - a) Jennifer Satter is our new liaison from City Council, appointed January 14. Her e-mail is jsatter@cityofmolalla.com.
 - b) It has been suggested by Molalla City Council that all boards have 5 member rather than 7 member boards.

- New Business:
 - a) One change to be noted in the Standards for Oregon Public Libraries is that now 2 people at the library have MLS degrees: Melissa and Diana.
 - b) With our new computers coming to the library, we hope we can count on training. There is a "Member Services Librarian" hired by the district to help all libraries. Perhaps this person can help out. There will be a schedule for replacements for all future computers.
 - c) We will continue to work on The Strategic Plan. We need to provide an action plan before 2020.

The next meeting will be on Thursday, February 19 at the Molalla Public Library.

The meeting was adjourned at 8:00 P.M.

Submitted by Mary Gilson, Secretary.

City of Molalla

ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING THE MOLALLA LAND USE AND DEVELOPMENT CODE TO IMPOSE REASONABLE REGULATIONS ON THE PLACEMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY AND DECLARING AN EMERGENCY

WHEREAS: The Oregon Legislature enacted House Bill 3460 that created a medical marijuana dispensary registration system and which purported to allow medical marijuana facilities to be located in areas of the City zoned for commercial, industrial, or mixed use; and

WHEREAS: The Molalla Land Use and Development Code does not currently expressly allow medical marijuana facilities to be located in any areas of the City; and

WHEREAS: The Oregon Legislature also enacted Senate Bill 1531, which permits Molalla to impose reasonable regulations on medical marijuana dispensaries in the City, including reasonable limitations on where medical marijuana facilities may be located within the City; and

WHEREAS: The City Council desires to utilize its home rule authority and the authority granted to it by Senate Bill 1531 to adopt this proposed ordinance, which expressly sets forth those areas of the City in which a medical marijuana dispensary may be located thereby prohibits the location of medical marijuana dispensaries in other areas of the City; and

WHEREAS: Consistent with the terms of Senate Bill 1531, the City imposed a moratorium on medical marijuana dispensaries locating within the City, which will expire on May 1, 2015; and

WHEREAS: The City Council finds that it is necessary for the immediate preservation of the public peace, health and safety to have in place and effective before May 1, 2015 reasonable regulations on where medical marijuana dispensaries may be located within the City; and

WHEREAS: At its meeting of _____ 2015, the Molalla Planning Commission held a hearing as required by section 19.04.050 of the Molalla Municipal Code on this proposed ordinance, received public testimony, discussed the issues, and recommended approval of this proposed ordinance to the City Council; and

WHEREAS: At its meeting of _____ 2015, the Molalla City Council held a hearing as required by section 19.04.050 of the Molalla Municipal Code on this proposed ordinance, received public testimony, discussed the issues, and considered the Planning Commission recommendation.

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS as follows:

- Section 1.** On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.
- Section 2.** The Land Use and Development Code is hereby amended as set forth in Exhibit 1, which is attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.
- Section 3.** This Ordinance is necessary for the immediate preservation of the public peace, health and safety, and, pursuant to section 18 of the Molalla City Charter, an emergency is declared to exist, and this Ordinance takes effect upon its passage.

Adopted this _____ day of _____, 2015.

Deborah Rogge
Mayor

ATTEST:

Sadie Cramer
City Recorder

Exhibit 1

Section 16.12.030 of the Molalla Municipal Code is hereby amended by adding a definition for the term, "Medical Marijuana Dispensary" as follows:

MEDICAL MARIJUANA DISPENSARY: Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346.

Section 17.12.020 of the Molalla Municipal Code is hereby amended by adding a Medical Marijuana Dispensary as a permitted use in the Central Business District and in the C-2 General Commercial District as follows (new language in **bold/italics**):

17.12.020 Land uses and development standards.

CBD, CENTRAL BUSINESS DISTRICT

Development Standards

- A. None - Minimum lot area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 50 ft - Minimum lot width
- C. 100 ft - Minimum lot depth
- D. 45 ft - Maximum building height
- E. Yes - Building height transition
- F. 100% - Maximum lot coverage
- G. 5% - Minimum landscape area (% of site)
- H. Minimum Setback (ft)¹

Front	Side	Street Side	Rear	Along Arterials
0	0	0	0	See TSP

I. Fences and Gardening/Retaining Walls²

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42 in	6 ft	6 ft	6 ft

J. Permitted Uses

1. Basic utilities
2. Brewery
3. Commercial indoor recreation (under 25,000 sq ft)
4. Community service

5. Daycare (adult or child)
6. Educational services, not a school (e.g., tutoring or similar services)
7. Governmental buildings
8. Hotel or motel
9. Indoor recreation facilities (under 25,000 sq ft)
10. Laundromat not including dry cleaning on site
11. Medical centers
- 12. *Medical Marijuana Dispensary*¹⁷**
13. Mortuary (not crematory)
14. Offices
 - a. Cafeterias
 - b. Health facilities
 - c. Other facilities primarily for the use of employees of the firm or business
15. Parks and open space
16. Private club, lodge, convent, social or recreational building or community assembly hall
17. Public park, playground, or recreational area, and buildings used in connection therewith
18. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - fully enclosed
19. Religious institutions and houses of worship
20. Restaurants (not including drive-through)
21. Retail sales and service (see also drive-up uses)
22. Small animal veterinary office or hospital
23. Studios including music, dancing, art, photography, or health
24. Television and radio studios
25. Temporary uses (limited to “P” and “CU” uses)
26. Theater, except drive-in
27. Transportation facilities (operation, maintenance, preservation, and construction)
28. Use customarily incidental and subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

1. Accessory structures (with a permitted use)
2. Accessory uses for retail sales
 - a. Manufacturing or repackaging of goods for on-site sales
 - b. Parking
 - c. Storage of goods
3. Signs (subject to requirements of Chapter 18.32)

L. Conditional Uses

1. Bars and taverns³
2. Bed and breakfast inns
3. Buildings and structures exceeding the height limits in Table 17.12.2
4. Bus depot but not a bus garage or storage yard
5. Colleges and schools
6. Commercial indoor recreation (25,000 sq ft or greater)
7. Commercial outdoor recreation
8. Commercial parking
9. Condominium developments (commercial)
10. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090
11. Entertainment, major event
12. Motion picture production studios and allied services
13. Multifamily (4 or more) residential⁴
14. Private nursery school, kindergarten, or daycare center⁵
15. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - not enclosed
16. Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station
17. Radio frequency transmission facilities
18. Rail lines and corridors
19. Residential uses above and behind storefronts
20. Senior housing
21. Swimming pools
22. Telecommunication facilities
23. Uses operating between 10:00 p.m. and 6:00 a.m.

C-2, GENERAL COMMERCIAL DISTRICT

Development Standards

- A. 10,000 sq ft - Minimum lot area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 60 ft - Minimum lot width
- C. 120 ft - Minimum lot depth
- D. 45 ft - Maximum building height
- E. Yes - Building height transition
- F. 80% - Maximum lot coverage
- G. 15% - Minimum landscape area (% of site)

H. Minimum Setback (ft)⁶

Front	Side	Street Side	Rear	Along Arterials
10 ft	10 ft	20 ft	10 ft	See TSP

I. Fences and Gardening/Retaining Walls⁷

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42 in	6 ft	6 ft	6 ft

J. Permitted Uses

1. Basic utilities
2. Brewery
3. Commercial indoor recreation (under 25,000 sq ft)
4. Community service
5. Daycare (adult or child)
6. Drive-through restaurant
7. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090
8. Educational services, not a school (e.g., tutoring or similar services)
9. Hotel or motel
10. Indoor recreation facilities (under 25,000 sq ft)
11. Laundromat not including dry cleaning on site
12. Medical centers
- 13. *Medical Marijuana Dispensary*¹⁷**
14. Mortuary (not crematory)
15. Motion picture production studios and allied services
16. Offices
 - a. Cafeterias
 - b. Health facilities
 - c. Other facilities primarily for the use of employees of the firm or business
17. Parks and open space
18. Public park, playground, or recreational area, and buildings used in connection therewith
19. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - fully enclosed
20. Recreational vehicle camping parks

21. Religious institutions and houses of worship
22. Restaurants (not including drive-through)
23. Retail sales and service (see also drive-up uses)
24. Self service storage
25. Small animal veterinary office or hospital
26. Studios including music, dancing, art, photography, or health
27. Temporary uses (limited to “P” and “CU” uses)
28. Theater, except drive-in
29. Transportation facilities (operation, maintenance, preservation, and construction)
30. Vehicle repair⁸
31. Vehicle sales⁹
32. Use customarily incidental and subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

1. Accessory structures (with a permitted use)
2. Accessory uses for retail sales
 - a. Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair
 - b. Manufacturing or repackaging of goods for on-site sales
 - c. Parking
 - d. Storage of goods
3. Signs (subject to requirements of Chapter 18.32)

L. Conditional Uses

1. Bars and taverns¹⁰
2. Buildings and structures exceeding the height limits in Table 17.12.2
3. Bus depot but not a bus garage or storage yard, except as provided in subsection (L)(21) of this section
4. Cemetery
5. Colleges and schools
6. Commercial indoor recreation (25,000 sq ft or greater)
7. Commercial outdoor recreation
8. Commercial parking
9. Condominium developments (commercial)
10. Drive-in movie theatre
11. Entertainment, major event
12. Governmental buildings
13. Indoor recreation facilities greater than 25,000 sq ft

14. Laundromat, including dry cleaning on-site
15. Private club, lodge, convent, social or recreational building or community assembly hall
16. Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station
17. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - not enclosed
18. Radio frequency transmission facilities
19. Rail lines and corridors
20. Telecommunication facilities
21. Television and radio stations
22. Uses operating between 10:00 p.m. and 6:00 a.m.
23. Senior housing

Table 17.12.1 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Title 16.

Table 17.12.1 - Commercial Districts—Allowed Land Uses

Uses	Status of Use in District	
	C-1	C-2
Accessory structures (with a permitted use)	AU	AU
Bars and taverns ¹¹	CU	CU
Basic utilities	P	P
Bed and breakfast inn	CU	N
Brewery	P	P
Buildings and structures exceeding the height limits in Table 17.12.2	CU	CU
Bus depot but not a bus garage or storage yard	CU	CU
Colleges and schools	CU	CU
Commercial indoor recreation (under 25,000 sq ft)	P	P
Commercial indoor recreation (25,000 sq ft and over)	CU	CU
Commercial outdoor recreation	CU	CU
Commercial parking	CU	CU
Community service	P	P
Condominium developments (commercial)	CU	CU
Daycare (adult or child)	P	P
Drive-in movie theatre	N	CU
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090	CU	P

Educational services, not a school (e.g., tutoring or similar services)	P	P
Entertainment, major event	CU	CU
Governmental buildings	P	CU
Hotel or motel	P	P
Indoor recreation facilities	P	P
Laundromat, including dry cleaning on-site	N	CU
Laundromat, not including dry cleaning on-site	P	P
Medical centers	P	P
<i>Medical Marijuana Dispensary</i>	<i>P¹⁷</i>	<i>P¹⁷</i>
Mortuary (not crematory)	P	P
Motion picture production studios and allied services	CU	P
Multifamily (4 or more units)	P	N
Offices	P	P
Cafeterias	AU	AU
Health facilities	AU	AU
Other facilities primarily for the use of the employees of the firm or business	AU	AU
Parks and open space	P	P
Private club, lodge, convent, social or recreational building or community assembly hall	P	CU
Private nursery school, kindergarten, or daycare center ¹²	CU	N
Public park, playground, or recreational area, and buildings used in connection therewith	P	P
Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station	CU	CU
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 17.12.090)		
Fully enclosed	P	P
Not enclosed	CU	CU
Radio frequency transmission facilities	CU	CU
Rail lines and corridors	CU	CU
Recreational vehicle camping parks	N	P
Religious institutions and houses of worship	P	P
Residential uses above and behind storefronts	CU	N
Restaurants (not including drive-through)	P	P
Retail sales and service (see also drive-up uses)	P	P
Accessory Uses for Retail Sales		

Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair	N	AU
Manufacturing or repackaging of goods for on-site sales	AU	AU
Parking	AU	AU
Storage of goods	AU	AU
Self service storage	N	P
Senior housing	CU	CU
Signs (subject to requirements of Chapter 18.32)	AU	AU
Small animal veterinary office or hospital	P	P
Studios including music, dancing, art, photography, or health	P	P
Swimming pools	CU	N
Telecommunication facilities	CU	CU
Television and radio studios	P	CU
Temporary uses (limited to “P” and “CU” uses)	P	P
Theater, except drive-in	P	P
Transportation facilities (operation, maintenance, preservation, and construction)	P	P
Use customarily incidental and subordinate to a PRINCIPLE use permitted outright	P	P
Uses operating between 10:00 p.m. and 6:00 a.m.	CU	CU
Vehicle repair ¹³	N	P
Vehicle sales ¹⁴	N	P

Key:

P = Permitted, subject to site/development review

CU = Conditional Use Permit required

N = Not permitted

AU = Accessory Uses

The development standards in Table 17.12.2 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 17.12.2 - Commercial Districts—Development Standards

Standard	C-1	C-2
Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards	None	10,000
Minimum Lot Width (ft)	50	60
Minimum Lot Depth (ft)	100	120
Maximum Building Height (ft)	45	45
Building Height Transition	Yes	Yes

Maximum Lot Coverage (%)	100	80
Minimum Landscape Area (% of site)	5	15
Minimum Setback (ft)¹⁵		
Front	0	10
Side	0	10
Street Side	0	20
Rear	0	10
Setbacks Along Arterials	See TSP	See TSP
Fences and Gardening/Retaining Walls¹⁶		
Max Height - Front	42 in	42 in
Max Height - Side	6 ft	6 ft
Max Height - Street Side	6 ft	6 ft
Max Height - Rear	6 ft	6 ft

Notes:

- 1 No balconies may extend into the public right-of-way.
- 2 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 3 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 4 Setbacks for multifamily development in this district shall comply with the standards of Section 17.08.030 through Section 17.08.100 as well as to meet the development standards of Section 17.08.020.
- 5 On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith, a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties by a sight-obscuring security fence.
- 6 No balconies may extend into the public right-of-way.
- 7 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 8 Includes passenger vehicle, light and medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.
- 9 Does not include junking, wrecking, storage, towing, or salvaging operations.
- 10 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 11 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 12 On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties by a sight-obscuring security fence.
- 13 Includes passenger vehicle, light and medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.
- 14 Does not include junking, wrecking, storage, towing, or salvaging operations.
- 15 No balconies may extend into the public right-of-way.
- 16 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 17 ***Location shall not be within 1000 feet of another medicinal marijuana dispensary, school, pre-school or licensed daycare; 500 feet from any property zoned PSP or 200 feet from any property zoned Residential (R-1, R-2, R-3 & R-5) except when an arterial street lies between a dispensary and Residential or PSP zoned property. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORD 475.314 and comply with all OHA rules.***

All new developments shall:

1. Always avoid utility easements when building is near property lines;
2. Porches, balconies, and patios must be less than 50 percent enclosed on side elevations;
3. On street side fences, retaining/garden walls the six-foot height may be expanded to eight feet with approval through a building permit. (Ord. 2011-04; Ord. 2010-15 §1; Ord. 2010-04 §1)



Community Dev. & Planning
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 829-6855
Fax: (503) 829-3676

Staff Report – Development Code Revision

File No.:	<i>P17-2015</i>
Legal Description:	<i>Various</i>
Address:	<i>(All Commercially Zoned Properties)</i>
Applicant:	<i>City of Molalla</i>
Owner:	<i>Various</i>
Proposal:	<i>Amend the development code to define medicinal marijuana dispensaries, and allow them as permitted uses in commercial zones subject to conditions</i>
Current Use:	<i>N/A</i>

1. Overview & Background

Application P17-2015 proposes to amend the development code to define medicinal marijuana dispensaries, and add these dispensaries as permitted uses in both C1 and C2 commercial zones subject to conditions. This legislative land-use action is in response to ORS 475.300-346, otherwise known as the Oregon Medical Marijuana Act. This application will be administered using a type IV procedure.

2. Public Notice

A *Form 1* official notice was sent to Oregon Department of Land Conservation and Development (DLCD) February 2, 2015. Notice was sent February 26, 2015 to all landowners of commercial property within the city. Notice was placed in the Oregonian Friday, February 27, 2015 under general notices. Notice was placed on the City of Molalla Website on February 26, 2015 under the URL as follows: <http://www.cityofmolalla.com/planning/page/public-notices>. No public comments have been received as of the writing of this staff report.

3. Attachments & Exhibits

Exhibit 1. Copy of Notice sent to DLCD, landowners, newspaper and website

Exhibit 2. City of Molalla Comprehensive Plan (Amended 2014)

4. Findings & Conclusions

The application has been reviewed under the requirements set forth by the MDC in subsection 19.04.050:

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

Compliance with Oregon Statewide Planning Goals

- a. GOAL 1 – CITIZEN INVOLVEMENT OAR 660-015-000(1) *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*
 - i. **Staff Findings:** A Form 1 official notice was sent to Oregon Department of Land Conservation and Development (DLCD) February 2, 2015. Notice was sent February 26, 2015 to all landowners of commercial property within the city. Notice was placed in the Oregonian Friday, February 27, 2015 under general notices. Notice was placed on the City of Molalla Website on February 26, 2015 under the URL as follows: <http://www.cityofmolalla.com/planning/page/public-notices>.
 - ii. **Conclusion:** Statewide goal of citizen involvement has been met through the mechanisms described above.
- b. GOAL 2 – LAND USE PLANNING OAR 660-015-0000(2) *To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.*
 - i. **Staff Findings:** This goal does not apply because it refers to the creation and establishment of the process as opposed to the execution of the process.
 - ii. **Conclusion:** The proposed development code revision does not conflict with or adversely impact Goal 2 and is consistent with Goal 2.
- c. GOAL 3 – AGRICULTURAL LANDS OAR 660-015-0000(3) *To preserve and maintain agricultural lands.*
 - i. **Staff Findings:** This goal does not apply because the proposal involves no development.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 3 and is consistent with Goal 3.
- d. GOAL 4 – FORESTED LANDS OAR 660-015-0000(4) *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound*

management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

- i. **Staff Findings:** This goal does not apply because the proposal involves no development.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 4 and is consistent with Goal 4.
- e. GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-015-0000(5) *To conserve open space and protect natural and scenic resources.*
 - i. **Staff Findings:** This goal does not apply because the proposal involves no development.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 5 and is consistent with Goal 5.
- f. GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) *To maintain and improve the quality of the air, water and land resources of the state.*
 - i. **Staff Findings:** This goal does not apply because the proposal involves no development.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 6 and is consistent with Goal 6.
- g. Goal 7 – AREAS SUBJECT TO NATURAL HAZARDS OAR 660-015-0000(7) *To protect life and property from natural disasters.*
 - i. **Staff Findings:** This goal does not apply because the proposal involves no development.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 7 and is consistent with Goal 7.
- h. GOAL 8 – RECREATIONAL NEEDS OAR 660-015-0000(8) *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*
 - i. **Staff Findings:** This goal does not apply because the proposal is not prohibiting any recreational uses on local property.
 - ii. **Conclusion:** The proposed zone change does not conflict with or adversely impact Goal 8 and is consistent with Goal 8.
- i. Goal 9 – ECONOMIC DEVELOPMENT OAR 660-015-0000(9) *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens.*
 - i. **Staff Findings:** The proposal is to add potential uses in commercial zones, thus increasing the viability of various businesses. The addition of marijuana dispensaries as outright permitted uses in commercial zones would increase the diversity of potential businesses in Molalla. This could lead to increased employment opportunities and economic growth.
 - ii. **Conclusion:** Statewide goal of economic development can be met.
- j. Goal 10 – HOUSING OAR 660-015-0000(10) *To provide for the housing needs of citizens of the state.*

- i. **Staff Findings:** The addition of permitted uses in commercial zones creates no impact on housing, housing affordability or housing availability.
 - ii. **Conclusion:** The proposed zone change does not conflict with or adversely impact Goal 10 and is consistent with Goal 10.

- k. GOAL 11 – PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11) *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*
 - i. **Staff Findings:** This goal does not apply because the proposal does not involve development.
 - ii. **Conclusion:** The proposed zone change does not conflict with or adversely impact Goal 11 and is consistent with Goal 11.

- l. GOAL 12 – TRANSPORTATION OAR 660-015-0000(12) *To provide and encourage a safe, convenient and economic transportation system.*
 - i. **Staff Findings:** This goal does not apply because the proposal does not impact transportation or transportation processes.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 12 and is consistent with Goal 12.

- m. Goal 13 – ENERGY CONSERVATION OAR 660-015-0000(13) *To conserve energy.*
 - i. **Staff Findings:** This goal does not apply because the addition of permitted uses in commercial zones does not impact energy conservation.
 - ii. **Conclusion:** The proposed development code change does not conflict with or adversely impact Goal 13 and is consistent with Goal 13.

Oregon Statewide Planning Goals 14-19 do not apply to this proposal due to various reasons. These goals are as follows:

- i. Urbanization
- ii. Willamette River Greenway
- iii. Estuarine Resources
- iv. Coastal Shorelands
- v. Beaches and Dunes
- vi. Ocean Resources

Planning Staff finds that this application is consistent with Oregon Statewide Planning Goals, and satisfies all applicable requirements.

Compliance with applicable City of Molalla Comprehensive Plan provisions:

- i. Page 8-9, Citizen Involvement Goals and Policies:
 - a. **Staff findings:** The Comprehensive plan policies related to citizen involvement echo the same standards in Oregon Statewide Planning Goal 1. The City has coordinated throughout this process with the applicable state agency, Oregon DLCD. The City has provided a wide range of public involvement opportunities via the internet, newspaper, direct mailings and public hearings. The information has been disseminated in non-

technical and understandable terms. Draft documents were made available to the public for review and comment.

- b. **Conclusion:** Planning Staff finds that this criterion is met.
- ii. Page 38, Commercial Development Policies:
 - a. **Staff Findings:** The Comprehensive Plan mandates that the city apply high standards to neighborhood compatibility for potentially conflicting uses, and that the city provide an atmosphere that is inviting to potential businesses. This proposal involves creating conditions to the allowance of dispensaries that take into account neighborhood compatibility. This is achieved by specific proximity minimums as conditions to the development of dispensaries. The proposed development code revision also creates a more inviting atmosphere for businesses by increasing the potential uses on commercial properties.
 - b. **Conclusion:** Planning Staff finds that this criterion can be met.

The Planning Staff finds that this application is consistent with the Molalla Comprehensive Plan (amended 2014), and satisfies all applicable requirements.

The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are reasonably likely to be provided concurrently with the development of the property or within the applicable planning period.

Staff Findings: This criterion does not apply to the application proposal. All commercially zoned properties in the city will be affected by the proposed change, yet there is no development involved in the process at this time.

5. Recommendation

Based upon the findings in this report, the City Planning Staff recommends the Planning Commission take the following actions:

- i. Approve planning permit P17-2015 to amend the development code to define medicinal marijuana dispensaries, and allow them as permitted uses in C1 and C2 zones subject to conditions.



Community Dev. & Planning
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 829-6855
communityplanner@cityofmolalla.com

Notice of Hearings for Legislative Action

Date of Notice:	<i>February 18, 2015</i>
Date of Hearing(s):	<i>March 4th, 2015 6:30 P.M. (Planning Commission)</i> <i>March 25th, 2015 7:00 P.M. (City Council)</i>
Location of Hearing(s):	<i>117 N. Molalla Ave., Molalla, OR 97038 (Planning Commission)</i> <i>315 Kennel Ave., Molalla OR 97038 (City Council)</i>
File No.:	<i>P17-2015</i>
Legal Description:	<i>(All Commercially zoned properties)</i>
Address:	<i>(Various)</i>
Applicant:	<i>The City of Molalla</i>
Owner:	<i>Various</i>
Proposal:	<i>Amend the Molalla Development Code to allow Marijuana Dispensaries in Commercial Zones subject to conditions.</i>

This application is regarding the allowance of marijuana dispensaries in commercial zones. The code is proposed to define a medicinal marijuana dispensary and to permit dispensaries in both commercial (C1 & C2) zones subject to conditions. This application will be processed using a type IV legislative decision. A public hearing will be held at both a Planning Commission meeting and a City Council meeting. The Planning Commission shall make a recommendation to the City Council who shall make a final decision on the application.

The application will be reviewed based on criteria set forth by the MDC section 19.04.050:

1. Approval of the request is consistent with the Statewide Planning Goals; and
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

Additional information about this application can be found by:

1. Visiting Molalla City Hall, 117 N. Molalla Ave., Molalla OR 97038
2. Contacting Community Planner Nicolas Lennartz, 503-759-0219, communityplanner@cityofmolalla.com (email is preferred to reduce car trips and save on paper)

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing. Copies shall be provided at a reasonable cost upon request.

You may attend, offer testimony or seek information at the hearing. Any correspondence received in advance of the meeting will be forwarded to the hearing body.

Written testimony will be received by the City of Molalla until the day of the hearing, and should be addressed or emailed to: Nicolas Lennartz, 117 N. Molalla Ave, Molalla OR, 97038, nlennartz@cityofmolalla.com; note that email is preferred. Please ensure your name and address are included in the written testimony.

Oral testimony may be offered during the hearing. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence. Oral testimony will not be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing as allowed by the Planning Commission.

Planning Commission Meeting Minutes – March 4, 2015; 6:30 p.m.

Molalla City Hall – 117 N. Molalla Ave, Molalla OR 97038

- Commission Attendance:
 - Pat Torsen - Commissioner
 - Laura Ferris - Chair
 - Mary Lynn Jacob – Commissioner
 - Joe Harris – Commissioner
- Staff in attendance
 - Nicolas Lennartz – Planner
 - Dan Huff – City Manager
- Audience members
 - Edward Huff
 - Stephanie Huff
- Call to order
- Roll Call
- Flag Salute
- Commission Chair Laura Ferris convenes the planning commission meeting.
- Planning Nicolas Lennartz announces the resignation of Planning Commission member Penny Welty. He advises that the city will be looking to replace the appointment to retain a 5th, tie-breaking seat.
- Adoption of Findings of Fact document regarding application P44-2014, application to re-zone property at 1118 Toliver Rd.
 - Pat Torsen motions to adopt document
 - Joe Harris seconds motion
 - Motion passes 4-0
- Public Hearing, Application P17-2015 – An Application to allow medicinal marijuana dispensaries in commercial zones.
 - Commission Chair Laura Ferris inquires as to any ex-parte conflicts. Commissioners reveal no conflicts. Audience provides no objections.
 - Nicolas Lennartz delivers the staff report. He discusses the process by which the application will be administered, and the applicable notification requirements and how they have been met. He describes how the application is in response to the Oregon Medicinal Marijuana Act. He notes the brevity of the staff report due to the fact that there is no development proposal, but only potential uses, whereas the criterion used to assess the application are geared towards testing development proposals. He cites economic development potential as the largest potential benefit due to the fact that the application proposes to increase the potential for uses in commercial zones. The Comprehensive Plan goals, he notes, were applicable in a couple areas only in addressing neighborhood compatibility. Overall the planning staff recommends approval of the application proposal.
 - Dan Huff mentions that the main reason the proposal is on the agenda tonight is due to the measure passed by the Oregon legislature. This application was submitted by the city, and is meant to allow the city of Molalla to be proactive with medicinal marijuana

dispensaries. He describes the justification behind the simplicity of the code language, which is to ensure that there are clear objectives for applicants and potential developers, and simple criteria for the staff to administer.

- Laura Ferris asks who had received notification for this public hearing. Mr. Lennartz answers that the city has sent notice to all landowners of commercial property in the city.
- Laura Ferris asks what zone PSP means. Mr. Lennartz answers that those lands are zoned public, and essentially designate all parks, open spaces and public areas including schools.
- Laura Ferris asks what zones allow senior living or adult care centers. Mr. Lennartz answers that those types of uses are allowed in R3, C1 and C2 zones.
- Mary Lynn Jacob mentions that there have been conflicts in other municipalities with marijuana facilities and churches.
- Joe Harris mentions that it may be a good idea to deal with the recreational marijuana issues now while we're dealing with the medicinal marijuana legislation. City Manager Dan Huff states that at the direction of the city attorney, right now we are just considering medicinal marijuana. The city has time to address recreational marijuana as things get into motion later in the year. Dan Huff states that it is best to not be a test-case with these kinds of land-use actions, and risk legal intervention. Joe Harris asks why we can't do something similar to a dry-city as they do with liquor consumption. Dan Huff responds that it would be up to the city council, but that bottom line the city has plenty of time to implement any legislative actions, and that it would be best to wait and learn from other state's mistakes (with recreational marijuana) in order to improve the implementation process here in Oregon.
- Laura Ferris asks the audience if anyone would like to provide public testimony. Since no one offered public testimony, Ms. Ferris does not open the public hearing.
- Pat Torsen proposes that the draft ordinance be revised to include churches, and also adult-care centers to the list of protected uses with specific boundaries.
- Joe Harris wonders why we can't prohibit medicinal marijuana entirely in the city. An audience member notes that it is likely due to threat of suit.
- Mary Lynn Jacob motions to approve the proposed ordinance as written with the addition of senior/adult care centers to the 200-ft buffer protection area, and churches to the 1000 ft. buffer protection area.
 - Motion fails due to lack of second.
- Pat Torsen motions to approve as written with the addition of churches and adult care/senior care centers to the 1000 ft buffer protection area.
 - Joe Harris seconds motion
 - Motion passes 4-0
- Nicolas Lennartz updates the planning commission on the grant process. The city has been awarded the community development block grant (CDBG) from Clackamas County for phase I of a street improvement project between 3rd and 5th street on Lola Ave. He mentions that a low-income study will have to be conducted in order to qualify officially, but he is confident that the threshold will be met. He also updates the commission on the development code update project, and that he anticipates the project to get underway sometime in the next 6 weeks.

Lastly he mentions the process by which the city has updated several addresses along highway 211. All homes have been re-addressed to reflect their annexation, and removed any reference to county 5-digit numbers. Joe Harris worries that the post office will be slow to administer the changes. Mr. Lennartz confirms that he has worked directly with the post office to ensure they are aware the changes.

- Pat Torsen motion to adjourn
 - Motion seconded.

Adjournment



Molalla
Oregon

Application for Appointment to
Citizen Committee

RECEIVED
MAR 04 2015

BY: *[Signature]*

Date: 02/23/2015

Board(s)/Committee(s) of Interest: Budget

Position Applying For: Member of Budget Committee

Full Name: Leota R. Childress
 Address: 150 Indian Oak Ct. Unit 3
 City: Molalla
 State: OR Zip: 97038
 Home Phone: —
 Cell Phone: 503.984.7841 Years of Residence Inside City: 8
 Years of Residence in Community: —

Current or Previous Community Affiliations or Activities:
Chair of Molalla Warming Center Board
Volunteer at Molalla Manor, Faithfuls Church,
Molalla Elementary School

Please explain why you would like to serve on this committee and give any other background you might have in this area:
I am interested in being more a part of
the community. Years of experience in
accounting and some budgeting.

If applying for re-appointment to this Commission/Board/Committee/Task Force, please indicate what has been the key accomplishment of the group during your service:
n/a

If you could make any improvement to the Commission/Board/Committee/Task Force, what would it be?
No suggestions at this time.

Signature *Leota R. Childress*



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 3/3/14

The City Council or County Commission:

Molalla

(name of city or county)

recommends that this license be:

Granted Denied

By: _____

(signature)

(date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: _____

Date: _____

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① The Whitehorse LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): The Whitehorse

3. Business Location: 106 E Main St Molalla Clatsop OR 97038
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 217 Oak St Silverton OR 97381
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-932-2828
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: Ricks Whitehorse

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? City of Molalla
(name of city or county)

11. Contact person for this application: Ryan Geyler 503-932-2828
(name) (phone number(s))
5798 Evers Valley rgeyer@yahoocom
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 12/5/14 ③ _____ Date _____

② [Signature] Date 12/10/14 ④ _____ Date _____

City Of Molalla

City Council Meeting

Agenda Category: Ordinance Adoption

Subject: *Development Code Amendment – Medical Marijuana*

Recommendation: *City Council Approval*

Date of Meeting to be Presented: *March 25, 2015*

Fiscal Impact: N/A

Background:

Included with this memo is an ordinance prepared by the City Attorney as well as the record from the Planning Commission proceedings regarding Development Code changes that allow Medical Marijuana facilities and establishes development standards and zoning standards for facility placement.

Council will recall that the Planning Commission was directed to provide notice and hold public hearings regarding this matter. Notice was provided in a newspaper of general circulation, the city website and to all commercially zoned parcels within the city limits. The Planning Commission held a quasi-judicial public hearing on March 4, 2015 and recommends that Council adopt the attach ordinance creating standards for establishing Medical Marijuana facilities in the City of Molalla.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

City of Molalla

ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING THE MOLALLA LAND USE AND DEVELOPMENT CODE TO IMPOSE REASONABLE REGULATIONS ON THE PLACEMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY AND DECLARING AN EMERGENCY

WHEREAS: The Oregon Legislature enacted House Bill 3460 that created a medical marijuana dispensary registration system and which purported to allow medical marijuana facilities to be located in areas of the City zoned for commercial, industrial, or mixed use; and

WHEREAS: The Molalla Land Use and Development Code does not currently expressly allow medical marijuana facilities to be located in any areas of the City; and

WHEREAS: The Oregon Legislature also enacted Senate Bill 1531, which permits Molalla to impose reasonable regulations on medical marijuana dispensaries in the City, including reasonable limitations on where medical marijuana facilities may be located within the City; and

WHEREAS: The City Council desires to utilize its home rule authority and the authority granted to it by Senate Bill 1531 to adopt this proposed ordinance, which expressly sets forth those areas of the City in which a medical marijuana dispensary may be located thereby prohibits the location of medical marijuana dispensaries in other areas of the City; and

WHEREAS: Consistent with the terms of Senate Bill 1531, the City imposed a moratorium on medical marijuana dispensaries locating within the City, which will expire on May 1, 2015; and

WHEREAS: The City Council finds that it is necessary for the immediate preservation of the public peace, health and safety to have in place and effective before May 1, 2015 reasonable regulations on where medical marijuana dispensaries may be located within the City; and

WHEREAS: At its meeting of _____ 2015, the Molalla Planning Commission held a hearing as required by section 19.04.050 of the Molalla Municipal Code on this proposed ordinance, received public testimony, discussed the issues, and recommended approval of this proposed ordinance to the City Council; and

WHEREAS: At its meeting of _____ 2015, the Molalla City Council held a hearing as required by section 19.04.050 of the Molalla Municipal Code on this proposed ordinance, received public testimony, discussed the issues, and considered the Planning Commission recommendation.

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS as follows:

- Section 1.** On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.
- Section 2.** The Land Use and Development Code is hereby amended as set forth in Exhibit 1, which is attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.
- Section 3.** This Ordinance is necessary for the immediate preservation of the public peace, health and safety, and, pursuant to section 18 of the Molalla City Charter, an emergency is declared to exist, and this Ordinance takes effect upon its passage.

Adopted this _____ day of _____, 2015.

Deborah Rogge
Mayor

ATTEST:

Sadie Cramer
City Recorder

Exhibit 1

Section 16.12.030 of the Molalla Municipal Code is hereby amended by adding a definition for the term, "Medical Marijuana Dispensary" as follows:

MEDICAL MARIJUANA DISPENSARY: Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346.

Section 17.12.020 of the Molalla Municipal Code is hereby amended by adding a Medical Marijuana Dispensary as a permitted use in the Central Business District and in the C-2 General Commercial District as follows (new language in **bold/italics**):

17.12.020 Land uses and development standards.

CBD, CENTRAL BUSINESS DISTRICT

Development Standards

- A. None - Minimum lot area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 50 ft - Minimum lot width
- C. 100 ft - Minimum lot depth
- D. 45 ft - Maximum building height
- E. Yes - Building height transition
- F. 100% - Maximum lot coverage
- G. 5% - Minimum landscape area (% of site)
- H. Minimum Setback (ft)¹

Front	Side	Street Side	Rear	Along Arterials
0	0	0	0	See TSP

I. Fences and Gardening/Retaining Walls²

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42 in	6 ft	6 ft	6 ft

J. Permitted Uses

1. Basic utilities
2. Brewery
3. Commercial indoor recreation (under 25,000 sq ft)
4. Community service

5. Daycare (adult or child)
6. Educational services, not a school (e.g., tutoring or similar services)
7. Governmental buildings
8. Hotel or motel
9. Indoor recreation facilities (under 25,000 sq ft)
10. Laundromat not including dry cleaning on site
11. Medical centers
- 12. *Medical Marijuana Dispensary*¹⁷**
13. Mortuary (not crematory)
14. Offices
 - a. Cafeterias
 - b. Health facilities
 - c. Other facilities primarily for the use of employees of the firm or business
15. Parks and open space
16. Private club, lodge, convent, social or recreational building or community assembly hall
17. Public park, playground, or recreational area, and buildings used in connection therewith
18. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - fully enclosed
19. Religious institutions and houses of worship
20. Restaurants (not including drive-through)
21. Retail sales and service (see also drive-up uses)
22. Small animal veterinary office or hospital
23. Studios including music, dancing, art, photography, or health
24. Television and radio studios
25. Temporary uses (limited to “P” and “CU” uses)
26. Theater, except drive-in
27. Transportation facilities (operation, maintenance, preservation, and construction)
28. Use customarily incidental and subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

1. Accessory structures (with a permitted use)
2. Accessory uses for retail sales
 - a. Manufacturing or repackaging of goods for on-site sales
 - b. Parking
 - c. Storage of goods
3. Signs (subject to requirements of Chapter 18.32)

L. Conditional Uses

1. Bars and taverns³
2. Bed and breakfast inns
3. Buildings and structures exceeding the height limits in Table 17.12.2
4. Bus depot but not a bus garage or storage yard
5. Colleges and schools
6. Commercial indoor recreation (25,000 sq ft or greater)
7. Commercial outdoor recreation
8. Commercial parking
9. Condominium developments (commercial)
10. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090
11. Entertainment, major event
12. Motion picture production studios and allied services
13. Multifamily (4 or more) residential⁴
14. Private nursery school, kindergarten, or daycare center⁵
15. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - not enclosed
16. Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station
17. Radio frequency transmission facilities
18. Rail lines and corridors
19. Residential uses above and behind storefronts
20. Senior housing
21. Swimming pools
22. Telecommunication facilities
23. Uses operating between 10:00 p.m. and 6:00 a.m.

C-2, GENERAL COMMERCIAL DISTRICT

Development Standards

- A. 10,000 sq ft - Minimum lot area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards
- B. 60 ft - Minimum lot width
- C. 120 ft - Minimum lot depth
- D. 45 ft - Maximum building height
- E. Yes - Building height transition
- F. 80% - Maximum lot coverage
- G. 15% - Minimum landscape area (% of site)

H. Minimum Setback (ft)⁶

Front	Side	Street Side	Rear	Along Arterials
10 ft	10 ft	20 ft	10 ft	See TSP

I. Fences and Gardening/Retaining Walls⁷

Max Height - Front	Max Height - Side	Max Height - Street Side	Max Height - Rear
42 in	6 ft	6 ft	6 ft

J. Permitted Uses

1. Basic utilities
2. Brewery
3. Commercial indoor recreation (under 25,000 sq ft)
4. Community service
5. Daycare (adult or child)
6. Drive-through restaurant
7. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090
8. Educational services, not a school (e.g., tutoring or similar services)
9. Hotel or motel
10. Indoor recreation facilities (under 25,000 sq ft)
11. Laundromat not including dry cleaning on site
12. Medical centers
- 13. *Medical Marijuana Dispensary*¹⁷**
14. Mortuary (not crematory)
15. Motion picture production studios and allied services
16. Offices
 - a. Cafeterias
 - b. Health facilities
 - c. Other facilities primarily for the use of employees of the firm or business
17. Parks and open space
18. Public park, playground, or recreational area, and buildings used in connection therewith
19. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - fully enclosed
20. Recreational vehicle camping parks

21. Religious institutions and houses of worship
22. Restaurants (not including drive-through)
23. Retail sales and service (see also drive-up uses)
24. Self service storage
25. Small animal veterinary office or hospital
26. Studios including music, dancing, art, photography, or health
27. Temporary uses (limited to “P” and “CU” uses)
28. Theater, except drive-in
29. Transportation facilities (operation, maintenance, preservation, and construction)
30. Vehicle repair⁸
31. Vehicle sales⁹
32. Use customarily incidental and subordinate to a PRINCIPLE use permitted outright

K. Accessory Uses

1. Accessory structures (with a permitted use)
2. Accessory uses for retail sales
 - a. Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair
 - b. Manufacturing or repackaging of goods for on-site sales
 - c. Parking
 - d. Storage of goods
3. Signs (subject to requirements of Chapter 18.32)

L. Conditional Uses

1. Bars and taverns¹⁰
2. Buildings and structures exceeding the height limits in Table 17.12.2
3. Bus depot but not a bus garage or storage yard, except as provided in subsection (L)(21) of this section
4. Cemetery
5. Colleges and schools
6. Commercial indoor recreation (25,000 sq ft or greater)
7. Commercial outdoor recreation
8. Commercial parking
9. Condominium developments (commercial)
10. Drive-in movie theatre
11. Entertainment, major event
12. Governmental buildings
13. Indoor recreation facilities greater than 25,000 sq ft

14. Laundromat, including dry cleaning on-site
15. Private club, lodge, convent, social or recreational building or community assembly hall
16. Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station
17. Quick vehicle servicing or vehicle repair (see also drive-up/drive-in/drive-through uses, per Section 17.12.090) - not enclosed
18. Radio frequency transmission facilities
19. Rail lines and corridors
20. Telecommunication facilities
21. Television and radio stations
22. Uses operating between 10:00 p.m. and 6:00 a.m.
23. Senior housing

Table 17.12.1 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Title 16.

Table 17.12.1 - Commercial Districts—Allowed Land Uses

Uses	Status of Use in District	
	C-1	C-2
Accessory structures (with a permitted use)	AU	AU
Bars and taverns ¹¹	CU	CU
Basic utilities	P	P
Bed and breakfast inn	CU	N
Brewery	P	P
Buildings and structures exceeding the height limits in Table 17.12.2	CU	CU
Bus depot but not a bus garage or storage yard	CU	CU
Colleges and schools	CU	CU
Commercial indoor recreation (under 25,000 sq ft)	P	P
Commercial indoor recreation (25,000 sq ft and over)	CU	CU
Commercial outdoor recreation	CU	CU
Commercial parking	CU	CU
Community service	P	P
Condominium developments (commercial)	CU	CU
Daycare (adult or child)	P	P
Drive-in movie theatre	N	CU
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section 17.12.090	CU	P

Educational services, not a school (e.g., tutoring or similar services)	P	P
Entertainment, major event	CU	CU
Governmental buildings	P	CU
Hotel or motel	P	P
Indoor recreation facilities	P	P
Laundromat, including dry cleaning on-site	N	CU
Laundromat, not including dry cleaning on-site	P	P
Medical centers	P	P
<i>Medical Marijuana Dispensary</i>	<i>P¹⁷</i>	<i>P¹⁷</i>
Mortuary (not crematory)	P	P
Motion picture production studios and allied services	CU	P
Multifamily (4 or more units)	P	N
Offices	P	P
Cafeterias	AU	AU
Health facilities	AU	AU
Other facilities primarily for the use of the employees of the firm or business	AU	AU
Parks and open space	P	P
Private club, lodge, convent, social or recreational building or community assembly hall	P	CU
Private nursery school, kindergarten, or daycare center ¹²	CU	N
Public park, playground, or recreational area, and buildings used in connection therewith	P	P
Public utility and communication facilities, such as a branch telephone exchange, static transformer, booster station, or pumping station	CU	CU
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 17.12.090)		
Fully enclosed	P	P
Not enclosed	CU	CU
Radio frequency transmission facilities	CU	CU
Rail lines and corridors	CU	CU
Recreational vehicle camping parks	N	P
Religious institutions and houses of worship	P	P
Residential uses above and behind storefronts	CU	N
Restaurants (not including drive-through)	P	P
Retail sales and service (see also drive-up uses)	P	P
Accessory Uses for Retail Sales		

Gasoline, parts, tire sales and vehicle washing when accessory to vehicle sales or repair	N	AU
Manufacturing or repackaging of goods for on-site sales	AU	AU
Parking	AU	AU
Storage of goods	AU	AU
Self service storage	N	P
Senior housing	CU	CU
Signs (subject to requirements of Chapter 18.32)	AU	AU
Small animal veterinary office or hospital	P	P
Studios including music, dancing, art, photography, or health	P	P
Swimming pools	CU	N
Telecommunication facilities	CU	CU
Television and radio studios	P	CU
Temporary uses (limited to “P” and “CU” uses)	P	P
Theater, except drive-in	P	P
Transportation facilities (operation, maintenance, preservation, and construction)	P	P
Use customarily incidental and subordinate to a PRINCIPLE use permitted outright	P	P
Uses operating between 10:00 p.m. and 6:00 a.m.	CU	CU
Vehicle repair ¹³	N	P
Vehicle sales ¹⁴	N	P

Key:

P = Permitted, subject to site/development review

CU = Conditional Use Permit required

N = Not permitted

AU = Accessory Uses

The development standards in Table 17.12.2 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 17.12.2 - Commercial Districts—Development Standards

Standard	C-1	C-2
Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards	None	10,000
Minimum Lot Width (ft)	50	60
Minimum Lot Depth (ft)	100	120
Maximum Building Height (ft)	45	45
Building Height Transition	Yes	Yes

Maximum Lot Coverage (%)	100	80
Minimum Landscape Area (% of site)	5	15
Minimum Setback (ft)¹⁵		
Front	0	10
Side	0	10
Street Side	0	20
Rear	0	10
Setbacks Along Arterials	See TSP	See TSP
Fences and Gardening/Retaining Walls¹⁶		
Max Height - Front	42 in	42 in
Max Height - Side	6 ft	6 ft
Max Height - Street Side	6 ft	6 ft
Max Height - Rear	6 ft	6 ft

Notes:

- 1 No balconies may extend into the public right-of-way.
- 2 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 3 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 4 Setbacks for multifamily development in this district shall comply with the standards of Section 17.08.030 through Section 17.08.100 as well as to meet the development standards of Section 17.08.020.
- 5 On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith, a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties by a sight-obscuring security fence.
- 6 No balconies may extend into the public right-of-way.
- 7 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 8 Includes passenger vehicle, light and medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.
- 9 Does not include junking, wrecking, storage, towing, or salvaging operations.
- 10 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 11 Bars and taverns established after the effective date of this Code shall not be located within 500 feet of another use classified as a bar or tavern.
- 12 On lots having a minimum of 10,000 sq ft, provided there is established in connection therewith a play lot having a minimum area of 400 sq ft plus an additional 40 sq ft for each child in excess of 10, which play lot is separated from adjoining properties by a sight-obscuring security fence.
- 13 Includes passenger vehicle, light and medium truck, motorcycle, boat and recreational vehicle sales and repair in an enclosed building, quick lubrication services, transmission or muffler services, auto body services, detailing and upholstery shops. Does not include junking, wrecking, storage, towing, or salvaging operations.
- 14 Does not include junking, wrecking, storage, towing, or salvaging operations.
- 15 No balconies may extend into the public right-of-way.
- 16 See also Sections 18.04.020 Vision Clearance and 18.08.050 Fences and Walls.
- 17 ***Location shall not be within 1000 feet of another medicinal marijuana dispensary, school, pre-school or licensed daycare; 500 feet from any property zoned PSP or 200 feet from any property zoned Residential (R-1, R-2, R-3 & R-5) except when an arterial street lies between a dispensary and Residential or PSP zoned property. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORD 475.314 and comply with all OHA rules.***

All new developments shall:

1. Always avoid utility easements when building is near property lines;
2. Porches, balconies, and patios must be less than 50 percent enclosed on side elevations;
3. On street side fences, retaining/garden walls the six-foot height may be expanded to eight feet with approval through a building permit. (Ord. 2011-04; Ord. 2010-15 §1; Ord. 2010-04 §1)