



**Molalla City Council –Meeting Agenda**  
**Meeting located at: Molalla Adult Center**  
**315 Kennel Ave, Molalla, OR 97038**

**December 9, 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** : 6:30PM before regular session

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**1. CALL TO ORDER – 1,068<sup>th</sup> Regular Meeting**

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

**2. COMMUNICATIONS AND PUBLIC COMMENT**

- A. Council Minutes
- B. Library Minutes
- C. Presentation from Clackamas Community College

**3. AWARDS, RECOGNITIONS & PRESENTATIONS**

**4. PROCLAMATIONS**

**5. PUBLIC HEARINGS**

**6. NEW BUSINESS**

- A. Award of RFP for Professional Engineering Services
- B. Merina & Co. presenting the FY 2014/2015 audit report

**7. CONTINUING BUSINESS**

**8. RESOLUTION**

- A. 2015-12: Increasing Fees for the City of Molalla Utility Billings – Discussion/Approval/Huff/Penni

**9. ORDINANCES**

- A. 2015- Pending# : An Ordinance Amending The Molalla Land Use And Development Code To Impose Reasonable Regulations On Marijuana Facilities In The City And Declaring An Emergency – Huff
- B. 2015- 06: Island Annexation – Huff

**10. REPORTS AND ANNOUNCEMENTS**

- A. City Manager/Staff Reports – Dan Huff
  - Supplemental Budget will be needed and brought to Council in January 2016.
  - Next meeting: December 23, 2015 – Council Discussion to hold or cancel

**11. EXECUTIVE SESSIONS**

PER ORS. 192.660 (2)(e) – Real Property Transaction(s) and ORS 192.660(2) (f) to consider information or records that are exempt by law from public inspection

**12. ADJOURNMENT**

## RESOLUTION 2015-12

### A RESOLUTION INCREASING FEES FOR THE CITY OF MOLALLA UTILITY BILLING

The City Council of Molalla finds that:

WHEREAS, the Molalla Municipal Code specifies that the City Council shall establish fees for city services and programs by resolution; and

WHEREAS, the Oregon Administrative Rules states that fees may be charged to reimburse the public entity of incurred expenses by furnishing administrative services; and

WHEREAS, after administrative review the City of Molalla Utility Billing program the fees for accounts in a delinquent status need to be increased to offset the costs for the additional management of these accounts; and

WHEREAS, for administrative efficiencies the fees is to be imposed by the City of Molalla Utility Billing are:

- Late Fee \$10.00 (defined as all accounts with a balance of greater than \$5.00 on the first business day after the 20<sup>th</sup> of a given month)
- Termination Notice \$25.00 (notice sent out to customers 60 days or greater past due notifying them of shut off potential 20 calendar days before actual service termination)
- Shut Off Fee \$50.00 (fee for water service that has been terminated for failure to respond to the termination notice and then restored after payment)

Now, therefore, based upon the above findings, be it resolved by the City Council of the City of Molalla, the fees listed for City Hall, City of Molalla, are hereby established as listed effective this 28th day of October, 2015.

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Mayor Rogge

ATTEST this 28th day of October, 2015:

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Sadie Cramer  
City Recorder

City of Molalla

ORDINANCE NO. 2015-\_\_

**AN ORDINANCE AMENDING THE MOLALLA LAND USE AND DEVELOPMENT CODE TO IMPOSE REASONABLE REGULATIONS ON MARIJUANA FACILITIES IN THE CITY AND DECLARING AN EMERGENCY**

- WHEREAS:** The Molalla City Council previously enacted a ban on marijuana facilities pursuant to House Bill 3400; and
- WHEREAS:** The City Council desires to utilize its home rule authority and the authority granted to it by Senate Bill 1531 and HB 3400 to adopt this ordinance, which expressly sets forth those areas of the City in which marijuana dispensaries, retailers, grow sites, processing sites, and wholesale operations may be located, while prohibiting the location of marijuana facilities in other areas of the City; and
- WHEREAS:** The City Council finds that it is in the best interest of the city to retain the authority to impose a local three percent (3%) sales tax on recreational retail sales, as well as state revenue; 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.** This ordinance repeals Ordinance 2015-\_\_ which prohibited the establishment of marijuana facilities within the city.
- Section 2.** The Land Use and Development Code is 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.** Exhibit 2 contains a map showing where the facilities regulated by this ordinance may locate in the city. Exhibit 3 contains findings that the Molalla City Council adopts in support of this ordinance.
- Section 4.** 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.

**Commented [DD1]:** This could happen subsequent to the council's adoption of this ordinance, but it probably makes the most sense to repeal the prohibition ordinance in this ordinance.

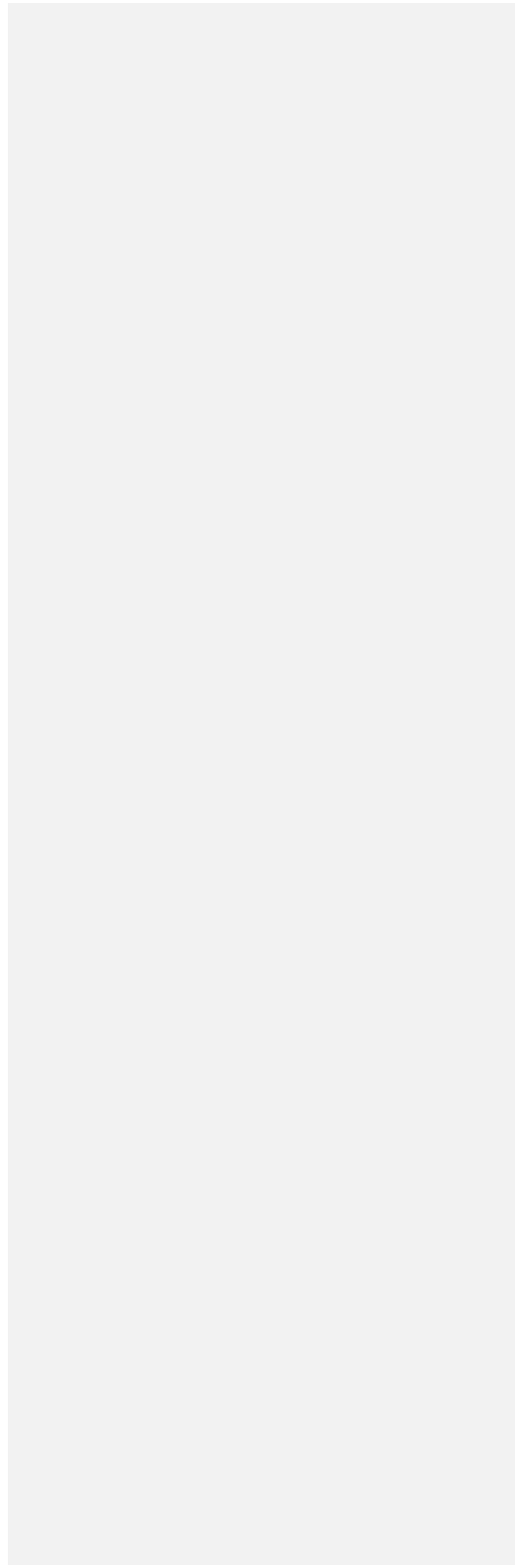
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Deborah Rogge  
Mayor

ATTEST:

\_\_\_\_\_  
Sadie Cramer  
City Recorder

DRAFT



## Exhibit 1

Section 16.12.030 of the Molalla Municipal Code is hereby amended by adding a definition for the following terms:

**MARIJUANA ITEMS:** Means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts as those terms are defined in Oregon law.

**MEDICAL MARIJUANA DISPENSARY OR RETAILER:** Any facility or operation registered with the Oregon Health Authority and used or intended to be used for purposes of delivering, dispensing, or transferring marijuana items to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346.

**RECREATIONAL MARIJUANA DISPENSARY OR RETAILER:** Any facility or operation registered with the Oregon Liquor Control Commission that lawfully sells marijuana items to a consumer in Oregon.

**MEDICAL MARIJUANA PRODUCERS:** Any facility or operation registered with the Oregon Health Authority and used or intended to be used for the purpose of cultivating marijuana at a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient. Also known as a medical marijuana "grow site."

**MARIJUANA PRODUCERS:** Any facility or operation registered with the Oregon Liquor Control Commission that lawfully produces marijuana. Also known as a recreational marijuana "grow site."

**MARIJUANA PROCESSORS:** Any facility or operation registered with the Oregon Liquor Control Commission that lawfully processes marijuana items.

**MARIJUANA WHOLESALER:** Any facility or operation registered with the Oregon Liquor Control Commission that lawfully purchases marijuana items in this state for resale to a person other than a consumer.

Section 17.12.020 of the Molalla Municipal Code is hereby amended by adding Medical Marijuana Dispensary and Recreational Marijuana Dispensary as permitted uses 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)<sup>1</sup>

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

I. Fences and Gardening/Retaining Walls<sup>2</sup>

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 or Recreational Marijuana Dispensary<sup>17</sup>**
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 taverns<sup>3</sup>
  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) residential<sup>4</sup>
  14. Private nursery school, kindergarten, or daycare center<sup>5</sup>
  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)<sup>6</sup>

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

I. Fences and Gardening/Retaining Walls<sup>7</sup>

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 or Recreational Marijuana Dispensary*<sup>17</sup>**

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 repair<sup>8</sup>

31. Vehicle sales<sup>9</sup>

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 taverns<sup>10</sup>
  - 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 <sup>11</sup>	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
<b>Medical Marijuana Dispensary</b>	<b>P<sup>17</sup></b>	<b>P<sup>17</sup></b>
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 <sup>12</sup>	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
<b><i>Recreational Marijuana Dispensary</i></b>	<b>P<sup>17</sup></b>	<b>P<sup>17</sup></b>
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
<b>Accessory Uses for Retail Sales</b>		
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 <sup>13</sup>	N	P
Vehicle sales <sup>14</sup>	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
<b>Minimum Setback (ft)<sup>15</sup></b>		
Front	0	10
Side	0	10
Street Side	0	20
Rear	0	10
Setbacks Along Arterials	See TSP	See TSP
<b>Fences and Gardening/Retaining Walls<sup>16</sup></b>		
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 ***Must be located on real property adjacent to, or with legal access through property adjacent to: (a) the public right of way on W. Main St. between OR HWY 213 and Industrial Way; (b) the public right of way on OR 213 between Toliver Rd and City boundary furthest to the South; (c) the public right of way on Molalla Ave between Heintz St and S 3<sup>rd</sup> St.; (d) or the public right of way on W. Main St. (OR HWY 211) between Molalla Ave and Hart St. Furthermore, location shall not be within 1,000 feet of the real property comprising another medical or recreational marijuana dispensary. In addition, any and all medical and recreational marijuana dispensaries must be registered respectively with the Oregon Health Authority under ORD 475.314 and comply with all OHA rules and the Oregon Liquor Control Commission and comply with all OLCC 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)

*Section 17.16.020 of the Molalla Municipal Code is hereby amended by adding Medical Marijuana Producers, Marijuana Producers, Marijuana Processors and Marijuana Wholesalers as permitted uses in the M-1 and M-2 zoning districts, as follows (new language in ***bold/italics***):*

#### **17.16.020 Land uses and development standards.**

#### **M-1, LIGHT INDUSTRIAL DISTRICT**

Development Standards

**Commented [DD2]:** Dan, in the materials we received from the city, this read "and" but I assume it should be "or." Is that correct?

**Commented [DD3]:** Dan, the existing code language also specifies a distance between medical dispensaries and preschools and residential zones. The language we received from the city does not contain those limitations. Policy call for the city if you want to add it back in or leave it out.

- A. 15,000 sq ft - Minimum lot area (sq ft) \*Development must conform to lot width, depth, yard setback and coverage standards
- B. No minimum - Minimum lot width
- C. No minimum - Minimum lot depth
- D. 45 ft - Maximum building height
- E. No - Building height transition
- F. 85% - Maximum lot coverage
- G. 15% - Minimum landscape area (% of site)
- H. Minimum Setback (ft)<sup>1</sup>

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

I. Fences and Gardening/Retaining Walls<sup>2</sup>

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. Computer component assembly plants
3. Corporate or government headquarters or regional offices with 50 or more employees
4. Distribution or warehousing
5. Engineering, architectural and surveying services
6. Experimental, film or testing laboratories
7. Industries that manufacture from, or otherwise process, previously prepared materials
8. Industrial and professional equipment and supply stores, which may include service and repair of the same
9. Manufacture and production, fully enclosed
10. ***Medical Marijuana Producers, Marijuana Producers, Marijuana Processors and Marijuana Wholesalers<sup>10</sup>***
11. Mortuary
12. Non-commercial, educational, scientific and research organizations
13. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing
14. Research and development activities
15. Quick vehicle servicing or vehicle repair
16. Self service storage

**Commented [DD4]:** Be aware that the renumbering of the remaining sections may require revisions to cross references in other parts of the code.

17. Software and hardware development

18. Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the City's transportation systems plan)

19. Veterinary clinics and hospitals for small animals (both large and small animals)

20. Warehouse and freight movement

21. Wholesale sales (per Section 17.16.020)

K. Accessory Uses

1. Accessory structures

2. Agriculture - Nurseries and similar horticulture (see also, wholesale and retail uses)

3. Offices

4. Parks and open space

L. Conditional Uses

1. Aircraft and parts

2. Buildings and structures exceeding the height limits

3. Bus depot, but not bus garage or storage yard

4. Colleges

5. Manufactured home used as a permanent residence for a night watchman or caretaker

6. Mobile food unit

7. Outdoor recreation, commercial

8. Parking lot (when not an accessory use)

9. Radio frequency transmission facilities

10. Rail lines and utility corridors

11. Recycling depots

12. Religious institutions and houses of worship

13. Telecommunications facilities

14. Temporary uses per Section 19.36.010

15. Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs

**M-2, HEAVY INDUSTRIAL DISTRICT**

Development Standards

A. 25,000 sq ft - Minimum lot area (sq ft) \*Development must conform to lot width, depth, yard setback and coverage standards

B. No minimum - Minimum lot width

C. No minimum - Minimum lot depth

D. 45 ft - Maximum building height



- E. No - Building height transition
- F. 85% - Maximum lot coverage
- G. 15% - Minimum landscape area (% of site)

H. Minimum Setback (ft)<sup>3</sup>

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

I. Fences and Gardening/Retaining Walls<sup>4</sup>

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. Computer component assembly plants
3. Corporate or government headquarters or regional offices with 50 or more employees
4. Experimental, film or testing laboratories
5. Industries that manufacture from, or otherwise process previously prepared materials
6. Industrial and professional equipment and supply stores, which may include service repair of the same
7. Manufacturing and production, fully enclosed
8. **Medical Marijuana Producers, Marijuana Producers, Marijuana Processors and Marijuana Wholesalers<sup>10</sup>**
9. Parking lot (when not an accessory use)
10. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing
11. Quick vehicle servicing or vehicle repair
12. Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)
13. Veterinary clinics and hospitals for small animals (both large and small animals)
14. Warehouse and freight movement
15. Wholesale sales (per Section 17.16.020)

K. Accessory Uses

1. Accessory structures
2. Agriculture - Nurseries and similar horticulture (see also, wholesale and retail uses)
3. Offices

**Commented [DD5]:** Be aware that the renumbering of the remaining sections may require revisions to cross references in other parts of the code.

4. Parks and open space
- L. Conditional Uses
  1. Aircraft and parts
  2. Buildings and structures exceeding the height limits
  3. Bus depot, but not bus garage or storage yard
  4. Crematory
  5. Drive-in theatre
  6. Entertainment, major event
  7. Manufactured home used as a permanent residence for a night watchman or caretaker
  8. Manufacturing and production, not enclosed
  9. Mining
  10. Mobile food unit
  11. Mortuary
  12. Radio frequency transmission facilities
  13. Rail lines and utility corridors
  14. Recycling depots
  15. Research and development activities
  16. Self service storage
  17. Software and hardware development
  18. Telecommunications facilities
  19. Temporary uses per Section 19.36.010

**EMPLOYMENT DISTRICT**

Development Standards

- A. 25,000 square feet - Minimum lot area (sq ft) \*Development must conform to lot width, depth, yard setback and coverage standards.
- B. 100 ft - Minimum lot width
- C. 100 ft - Minimum lot depth
- D. 45 feet - Maximum building height
- E. Yes - Building height transition
- F. 85% - Maximum lot coverage
- G. 15% - Minimum landscape area (% of site)
- H. Minimum Setback (ft)<sup>5</sup> - Along All Public Rights-of-Way<sup>6</sup>

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

I. Fences and Gardening/Retaining Walls<sup>7</sup>

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. Colleges
2. Corporate or government headquarters or regional offices with 50 or more employees
3. Computer component assembly plants
4. Engineering, architectural and surveying services
5. Experimental, film or testing laboratories
6. Financial, insurance, real estate or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to 10% of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development and drive-through features are prohibited
7. Industrial and professional equipment and supply stores, which may include service and repair of the same
8. Industries that manufacture from, or otherwise process, previously prepared materials
9. Information and data processing centers
10. Manufacturing and production (fully enclosed)
11. Non-commercial, educational, scientific and research organizations
12. Parks and open space
13. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing
14. Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs
15. Research and development activities
16. Rail lines and utility corridors
17. Religious institutions and houses of worship
18. Retail sales and services, including eating establishments for employees (i.e., a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less and the retail sales and services shall not occupy more than 10% of the net developable portion of all contiguous industrial lands
19. Software and hardware development
20. Transportation facilities (operations, maintenance, preservation, and construction, in accordance with the City's TSP)

K. Accessory Uses

No accessory structure shall be detached from the main building and must be built to the same look of the existing structure when connected to an existing structure.

L. Conditional Uses

Any other use which, in the opinion of the Planning Commission, is of similar character of those specified as outright uses and conditional uses. In addition the proposed conditional uses:

- Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
- Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
- Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use; and
- Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

M. Distribution or warehousing

N. Building and structures exceeding the height limitation

O. Bus depot, but not bus garage or storage yard

P. Outdoor recreation commercial

Q. Parking lot (when not an accessory use)

R. Radio frequency transmission facilities

S. Temporary uses per Section 19.36.010

T. Wholesale sales

Table 17.16.1 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapters 16.12 and 16.16.

**Table 17.16.1 - Land Uses Allowed in Industrial Districts**

Uses	Status of Use in District		
	M-1	M-2	EZ
Accessory structures	AU	AU	AU
Agriculture - Nurseries and similar horticulture (see also, wholesale and retail uses)	AU	AU	N
Aircraft and parts	CU	CU	N
Basic utilities	P	P	N
Buildings and structures exceeding the height limitations	CU	CU	CU
Bus depot, but not bus garage or storage yard	CU	CU	CU
Colleges	CU	N	P
Computer component assembly plants	P	P	P

Corporate or government headquarters or regional offices with 50 or more employees	P	P	P
Crematory	N	CU	N
Distribution or warehousing	P	P	P
Drive-in theatre	N	CU	N
Engineering, architectural and surveying services	P	N	P
Experimental, film or testing laboratories	P	P	P
Financial, insurance, real estate or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to 10% of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development and drive-through features are prohibited.	N	N	P
Uses	<b>Status of Use in District</b>		
	<b>M-1</b>	<b>M-2</b>	<b>EZ</b>
Industries that manufacture from, or otherwise process, previously prepared materials	P	P	P
Industrial and professional equipment and supply stores, which may include service and repair of the same	P	P	N
Information and data processing centers	N	N	P
Manufactured home used as a permanent residence for a night watchman or caretaker	CU	CU	N
<b><i>Medical Marijuana Producers, Marijuana Producers, Marijuana Processors and Marijuana Wholesalers</i></b>	<b><i>P<sup>10</sup></i></b>	<b><i>P<sup>10</sup></i></b>	<b><i>N</i></b>
Manufacturing and production			
Fully enclosed	P	P	P
Not fully enclosed	N	CU	N
Mining	N	CU	N
Mobile food unit	CU	CU	N
Mortuary	P	CU	N
Non-commercial, educational, scientific and research organizations	P	N	P
Offices	AU	AU	P
Outdoor recreation commercial	CU	N	CU
Parking lot (when not an accessory use)	CU	P	CU
Parks and open space	P	AU	P
Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing	P	P	P

Quick vehicle servicing or vehicle repair	P	P	N
Radio frequency transmission facilities	CU	CU	CU
Rail lines and utility corridors	CU	CU	P
Recycling depots	CU	CU	N
Religious institutions and houses of worship	CU	N	P
Research and development activities	P	CU	P
Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less and the retail sales and services shall not occupy more than 10% of the net developable portion of all contiguous industrial lands	N	N	P
Self service storage	P	CU	N
Software and hardware development	P	CU	P
Telecommunications facilities	CU	CU	CU
Temporary uses per Section 19.36.010	CU	CU	N
Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs	CU	N	P
Transportation facilities (operations, maintenance, preservation, and construction, in accordance with the City's TSP)	P	P	P
Veterinary clinics and hospitals for small animals (large and small animals)	P	P	N
	<b>Status of Use in District</b>		
<b>Uses</b>	<b>M-1</b>	<b>M-2</b>	<b>EZ</b>
Warehouse and freight movement	P	P	N
Wholesale sales (per Section 17.16.020)	P	P	SP
Any other use which, in the opinion of the Planning Commission, is of similar character of those specified as outright uses and conditional uses. In addition the proposed conditional uses: - Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use; - Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district; - Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use; and			CU

- Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.			
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**Key:**

P = Permitted, subject to site/development review

CU = Conditional Use Permit required

N = Not permitted

AU = Accessory

SP = Only specified uses

**\*No accessory structure shall be detached from the main building and must be built to the same look of the existing structure when connected to an existing structure.**

The development standards in Table 17.16.2 apply to all new structures, buildings, and development, and major remodels, in the Industrial Districts.

**Table 17.16.2 - Development Standards for Industrial Districts**

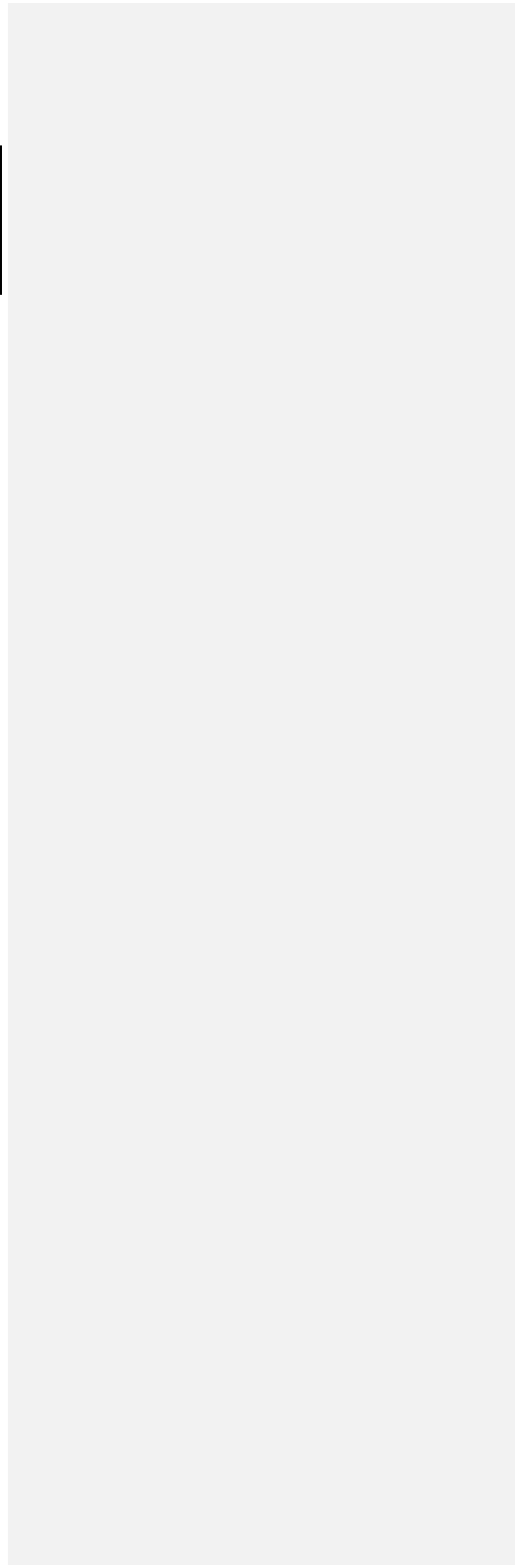
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Minimum Lot Area (sq ft) *Development must conform to lot width, depth, yard setback and coverage standards	15,000	25,000
Minimum Lot Width (ft)	No Minimum	No Minimum
Minimum Lot Depth (ft)	No Minimum	No Minimum
Maximum Building Height (ft)	45	45
Building Height Transition	No	No
Maximum Lot Coverage (%)	85	85
Minimum Landscape Area (% of site)	15	15
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
<b>Minimum setback (ft)<sup>8</sup></b>		
Front	20	20
Side	10	10
Street Side	20	20
Rear	10	10
Setbacks along Arterials	See TSP	See TSP
<b>Fences and Gardening/Retaining Walls<sup>9</sup></b>		

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:**

- <sup>1</sup> No balconies may extend into public rights-of-way.
- <sup>2</sup> See also Sections 18.04.020, Vision clearance, and 18.08.050, Fences and walls.
- <sup>3</sup> No balconies may extend into public rights-of-way.
- <sup>4</sup> See also Sections 18.04.020, Vision clearance, and 18.08.050, Fences and walls.
- <sup>5</sup> No balconies may extend into the public right-of-way.
- <sup>6</sup> Buffers shall follow those of industrial uses abutting residential when such an adjacent use exists.
- <sup>7</sup> See also Sections 18.04.020, Vision clearance and 18.08.050, Fences and walls. Fences and walls may be extended to 8 feet when approved through a land use procedure.
- <sup>8</sup> No balconies may extend into the public right-of-way.
- <sup>9</sup> See also Sections 18.04.020, Vision clearance and 18.08.050, Fences and walls.
- <sup>10</sup> ***Must be located on real property West of Molalla Forest Rd. All Medical Marijuana Producers, Marijuana Producers, Marijuana Processors and Marijuana Wholesalers must be registered with the Oregon Health Authority or the Oregon Liquor Control Commission, as applicable, and comply with all applicable OHA and OLCC rules.***

DRAFT





**CITY OF MOLALLA**

**ORDINANCE No. 2015 – 06**

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-11**

**WHEREAS**, in 2014 the City of Molalla (“City”) annexed various islands of unincorporated territory surrounded by the City pursuant to ORS 222.750 (Case File No. P-6-2014);

**WHEREAS**, the City understood based on the evidence available to it that one of the properties was entitled to a delayed annexation pursuant to ORS 222.750(5);

**WHEREAS**, according to its owner, the property in question (31568 State Highway 213; TL 52E07D02500) is not entitled to a delayed annexation because it was being used solely for a commercial purpose in 2014;

**WHEREAS**, the property owner has requested a correction to Ordinance No. 2014-11 in order to bring the property into Molalla as of the effective date of this ordinance.

**NOW, THEREFORE**, the City of Molalla ordains as follows:

**Section 1.** Notwithstanding any language to the contrary in Ordinance 2014-11, the property located at 31568 State Highway 213 (TL 52E07D02500; legally described in Clackamas County Document No. 2006-066856) (the “Property”) is not eligible for or subject to a delayed annexation as described in ORS 222.750(5).

**Section 2.** On the effective date of this ordinance, the Property will be fully annexed to the City.

**Section 3.** The Molalla City Council reaffirms all other provisions of Ordinance 2014-11.

**Section 4.** This ordinance is effective 30 days after it is enacted.

Adopted this \_\_\_ day of \_\_\_ by the City Council of the City of Molalla on a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

\_\_\_\_\_  
Mayor Deborah Rogge

Attest this \_\_\_ day of \_\_\_, 2015

\_\_\_\_\_  
City Recorder Sadie Cramer