

City of Molalla

City Council Meeting



Agenda Category: Public Hearing

Subject: Hearing for Code Interpretation CINT01-2023.

Date of Meeting to be Presented: 2/22/2023 City Council Public Hearing.

Recommended Action & Motion(s): Council to make a legislative interpretation per MMC 17-1.5.010 on what constitutes an appropriate “regional” service area for Environmental Service Providers meeting criteria for the land use designation: “utility structures and facilities that are not part of an adopted City master plan or development review approval (MMC 17-2.2.030.)”

Staff Recommends providing a milage based interpretation for “regional.” This would capture nearby metropolitan areas that such a service provided would need to serve to be viable without expanding the scope beyond the immediate region. Exhibit A shows a 55 mile radius that would capture Portland/Vancouver, Salem, and Corvallis metropolitan areas while omitting more distant metropolitan areas.

Fiscal Impact: None.

Background: On December 16, 2022, Staff met with representatives of River City Environmental to discuss their interest in citing a new processing facility within the Molalla City Limits. The company self describes as providing environmental services in the Pacific Northwest and is currently exploring the feasibility of siting in Molalla. Among the questions posed to Staff was whether their proposed land use is allowed within City Limits.

Staff determined that this was so. In their application for this code interpretation the Company describes their operations as a staging facility for street sweeper truck and stormwater waste, septic sewage, grease trap waste, hydroexcavating materials, and other non-hazardous liquid

waste operations. Staff found that the environmental waste management services provided by the company were consistent with the Institutional Use *“Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval”* within the Allowed Uses table within MMC 17-2.2.030. However, while the use is defined, the term “regional” is not. Because such a determination requires discretion, Staff advised that the Applicant apply for a code interpretation per MMC 17-1.5.010 (see “subsection B,3”). Given that this interpretation may have significant citywide policy implications (see “subsection D”), Staff referred the request directly to City Council.

The question posed to Council is to determine what service area is appropriate for a regional utility facility specializing in environmental services and cited in Molalla. This ruling would apply to this facility and future similar facilities. The company describes their main service areas as “surrounding areas of Marion County, Clackamas County, Washington County, Multnomah County, and Clark County (WA),” serving as a reasonable baseline to understanding the service area for regional environmental services projects.

Staff’s recommendation for a 55-mile radius meets the regional need for these businesses to be viable. It allows service to nearby metropolitan areas such as Portland/Vancouver, Corvallis, and Salem while omitting more distant cities, keeping project scale within the City’s scope to accommodate it. Potential applicants would have to go through permitting including but not limited to site design review process, conditional use permitting, and industrial pretreatment permitting through the City and receive all required regional, state, and federal permits.

Exhibit A: 55 Mile Radius From Molalla City Center

Exhibit B: Application from River City Environmental

Exhibit A:

55 Mile Radius From Molalla City Center

Exhibit B:

Application from River City Environmental



Community Development Department

315 Kennel Ave/PO Box 248
Molalla, OR 97038
Phone 503.759.0205
www.cityofmolalla.com

LAND USE ACTION APPLICATION

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

Annexation:	<input type="checkbox"/>	Conditional Use:	<input type="checkbox"/>
Zone Change:	<input type="checkbox"/>	Partition:	<input type="checkbox"/>
Comp Plan Amendment:	<input type="checkbox"/>	Site Design Review:	<input type="checkbox"/>
Master Plan Development:	<input type="checkbox"/>	Variance:	<input type="checkbox"/>
Subdivision:	<input type="checkbox"/>	Other:	<u>Code Interpretation</u>

Applicant information

Name: Aquarius Environmental, LLC Phone: 503.828.0265

Mailing Address: 2117 NE Oregon Street, Suite 502

City: Portland State: OR Zip: 97232

Email: daniels@aquariusenv.com

Owner Information

Name: Stutzman, LLC Phone: 503 969-7591

Mailing Address: PO Box 30087

City: Portland State: OR Zip: 97294

Email: Contact@Onewaterinc.com

Property Information

Site address: 410 Industrial Way, Molalla, OR 97038

Zoning district: M-1 Overlay: _____ Tax lot # 52E07A 00701

Tax Account Number(s): _____ T: _____ R: _____ S: _____

Property dimensions: 500' x 420' Property acreage: 4.89

Surrounding property uses; North: M-1 South: Undev East: M-1

West: Undev Topography: Flat

Project Information

Description of Proposal: See attached summary

Describe all existing buildings or structures on property: 20,000 sqft building, an outside storage container, 4 Silos, a dryer extension on the building, 2 air handlers

Prior Use: Light Industrial

Current Use: Vacant

Proposed Use: Light Industrial

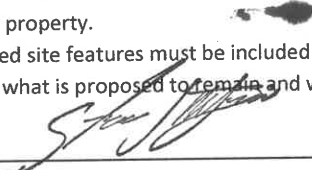
City Utilities Impacted: Water: Sewer: Stormwater: None:

Site Plan(s) and Documents Required

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

Plot Plan Requirements

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

Owner Signature(s):  Date: 1/13/2023

Staff Use Only
File #: _____ Initial Fee Amount Paid: _____ Receipt #: _____

Date Fee & Application Received: _____ Person doing intake: _____

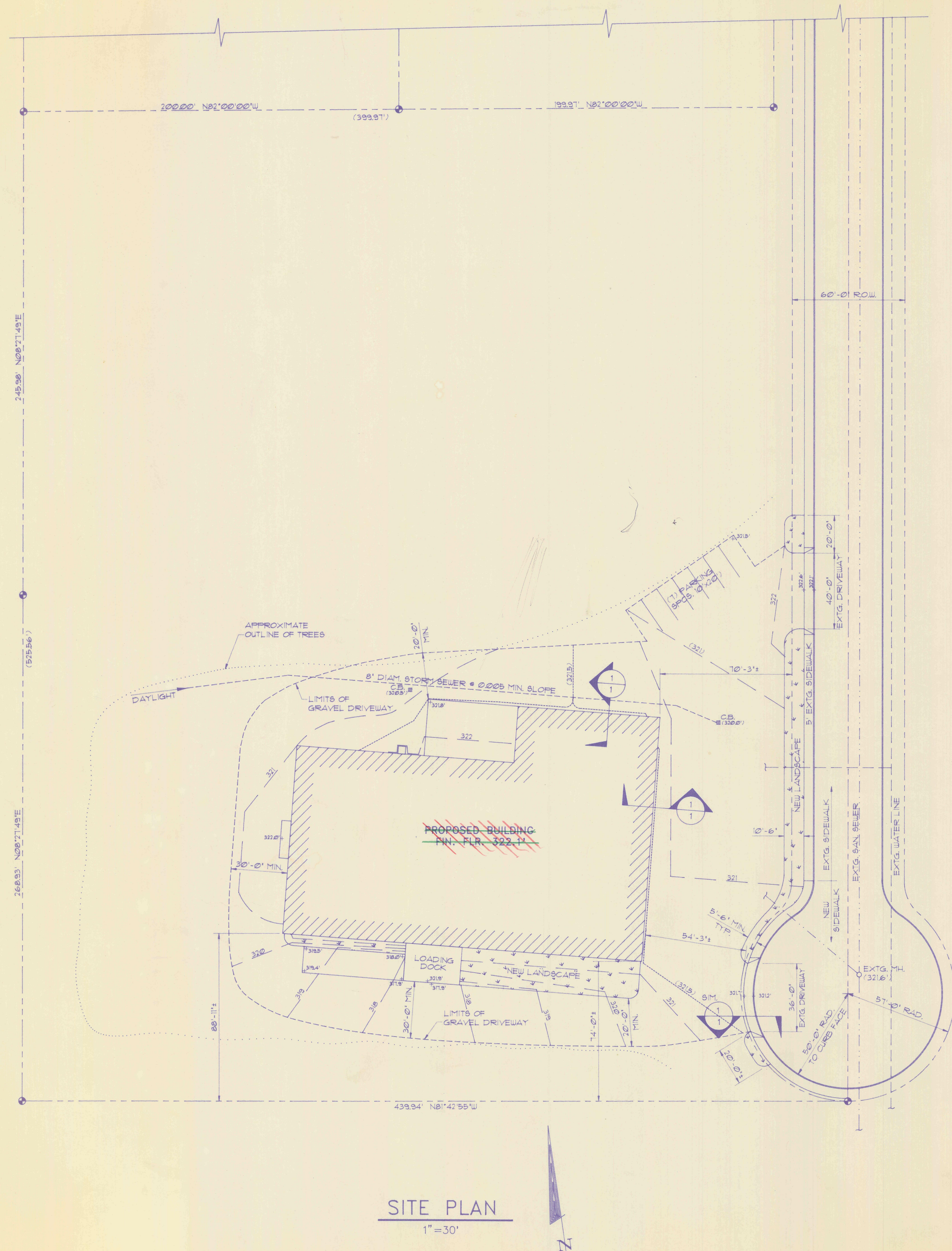
One Water – Receiving Station

The facility proposes to operate as a staging facility for street sweeper truck / stormwater waste, septic sewage receiving, grease trap waste, hydroexcavating materials and other non-hazardous liquid waste operations in Molalla, Oregon. Waste receiving and container transfer operations are conducted on a concrete containment pad inside of the existing structure. Liquid wastes are discharged from the facility to the City of Molalla sanitary sewer after processing.

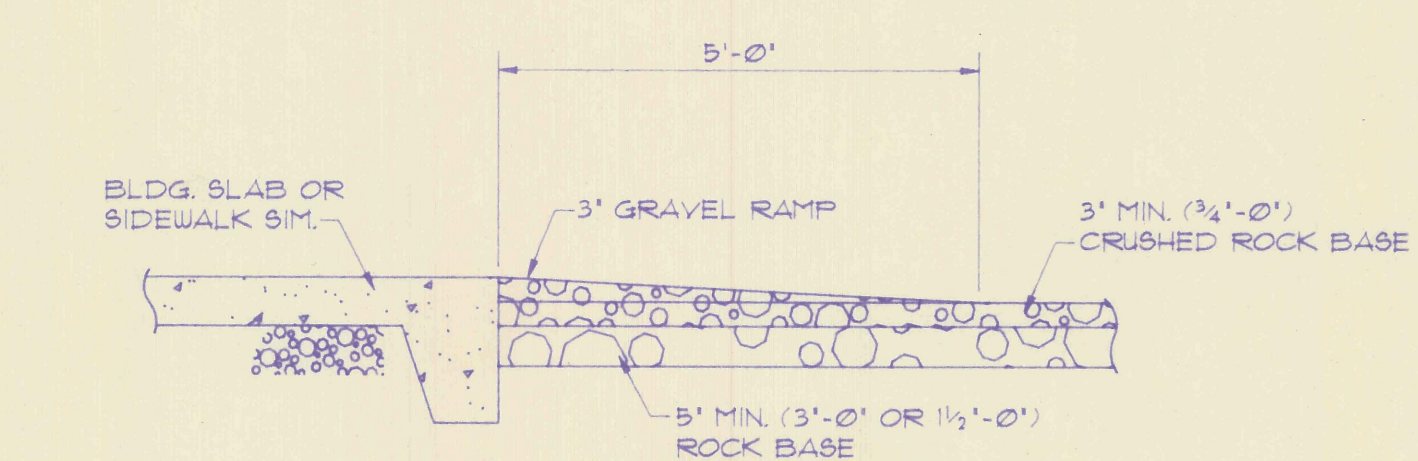
Procedural and engineering controls ensure that no solid or liquid wastes handled by the facility are designated as hazardous

The operators have had similar facilities in Portland, Oregon for many years, without concerns for traffic, odor or other potential nuisances.

The site's plans include potential enhancements to the ventilation and odor control system, two additional buildings will be constructed on the site as future growth permits.



SITE PLAN
1" = 30'



TYP. BUILDING/SIDEWALK RAMP
1/2" = 1'-0"

GENERAL NOTES

- 1.) All material and workmanship shall conform to the Uniform Building Code, State of Oregon, and local regulations. (Latest edition adopted).
- 2.) Design Loads: Roof Live Load = 25 psf. (Snow)
Wind Load = 80 mph., Exposure A; (B + C)/2
Seismic Load = U.B.C. Zone 3.
Roof Collateral = 5 psf.
Restroom Ceiling Live Load = 75 psf. (Light Storage)
- 3.) All footings to rest on firm, undisturbed soil, free of organic material, and capable of supporting 1,500 psf. Pour footings **NEAT** against soil---**DO NOT FORM**.
- 4.) All concrete to have a design strength of 2,500 psi. at 28 days, and shall contain 5 sacks of cement per cubic yard.
- 5.) Reinforcing steel to conform to ASTM A-615, Grade 60. Detailing and placement per ACI-318-83. (#3 Bars may be grade 40.)
- 6.) All anchor bolts to be ASTM A-307 minimum.
- 7.) Concrete cover to reinf. steel to be 3" min. where concrete poured against earth, 2" clear all other locations not noted or shown otherwise.
- 8.) Splice bars 24 diam. (12" min.); use L-bars with 2'-0" legs at all corners.
- 9.) For anchor bolts and all other details not shown, see building manufacturer's drawings.
- 10.) Provide (2)-#4 bars, full height, at each side of all concrete wall openings.
- 11.) Foundation design based upon reactions supplied by the building manufacturer, Pacific Building Systems.
- 12.) All pipe rails and posts to be A.S.T.M. A-53 Grade B.
- 13.) Steel studs are to be "Steel Systems International." Use manufacturers standard methods of installation, blocking and etc. for items not shown.
- 14.) Typical roof insulation to be 2" fiberglass with vinyl vapor barrier (25 max. flame spread, 450 max. smoke density, in exposed areas).
- 15.) Wall and ceiling insulation at bathroom to be R-19.
- 16.) CONTRACTOR TO VERIFY ALL DIMENSIONS AND FIELD CONDITIONS. NOTIFY ENGINEER OF SIGNIFICANT DISCREPANCIES.

LANDSCAPE REQUIREMENTS

- BUFFER:**
- 1) 4' MIN. REQUIRED
 - 2) 4' PROVIDED AT STREET (EAST)
 - 3) NATURAL VEGETATION 4' REMAINING SIDES
- PARKING AREA-**
- 1) (7) SPACES - NONE REQUIRED
 - 2) NONE PROVIDED
- OTHER-**
- 1) NONE REQUIRED
 - 2) 2,000 SF. PROVIDED

BUILDING LEGAL

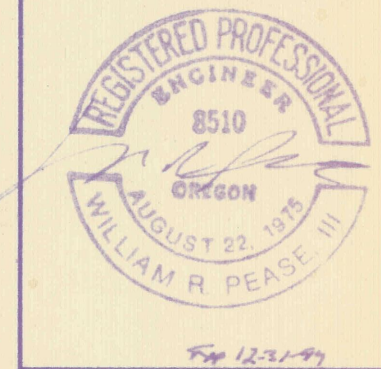
- 1) OCCUPANCY... B-2 (MANUFACTURING)
- 2) CONSTRUCTION TYPE... II-N
- 3) ALLOWABLE AREA-
BASIS: 12,000 SF
100% INCREASE FOR 3 YARDS (60')
ALLOWABLE AREA = 24,000 SF.
- 4) BUILDING AREA = 21,480 SF.

JOB NO. 931035-S
DRAWN BY: E.J.P.
CHECKED BY: L.P.P.
DATE: 01-17-94

BREEDLOVE, McCONNELL, GRANNING, PEASE ENGINEERS, INC.
CONSULTING STRUCTURAL ENGINEERS
PORTLAND & SALEM OREGON



SITE PLAN & GENERAL NOTES
STUTZMAN BUILDING
MOLALLA, OREGON
OREGON PACIFIC CONSTRUCTION, CONTRACTOR



DWG. NO. 1
of 7

Dan Zinder

From: Dan Zinder
Sent: Friday, January 20, 2023 3:39 PM
To: 'Jonathan Sheckard'
Cc: Ronda Lee; Sam Miller; Mac Corthell; Andy Peters; Charlie Goldsmith; Steve McInnis; Daniel Scarpine
Subject: RE: 410 Industrial way / Molalla Land use Application

Hi Jonathan,

Thanks for the clarification on your main service areas. Our assumption was that your service area was primarily regional and that confirmation is helpful for us in tailoring our writeup and discussions with Council.

Feel free to give me a call before 5 today. Otherwise, I'd be happy to chat with you sometime next week in a little more detail. We'll be able to be a little more concrete once we've finished the staff report. Generally, your role in the hearing will be explaining your operations and services/service area and Staff will guide the code discussion and the Council's role of determining what proximity is appropriate.

Best,
Dan Zinder
503.759.0226

From: Jonathan Sheckard <Jonathan.Sheckard@rivercityusa.com>
Sent: Friday, January 20, 2023 1:19 PM
To: Dan Zinder <dzinder@cityofmolalla.com>
Cc: Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine <daniels@aquariusenv.com>
Subject: RE: 410 Industrial way / Molalla Land use Application

Hello Dan,

We are Trying to understand the codes. If we are understanding one of the questions? The majority of the areas we are going to be servicing would be surroundings areas of Marion county, Clackamas county, Washington county , Multnomah county, and Clark county.

Does the have someone that can help coach or recommendation on the code elements?

Thank You

From: Jonathan Sheckard
Sent: Wednesday, January 18, 2023 2:11 PM
To: Dan Zinder <dzinder@cityofmolalla.com>
Cc: Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine

<daniels@aquariusenv.com>

Subject: RE: 410 Industrial way / Molalla Land use Application

Dan,

Thank You for the update. I will review with the team.

Thank You

From: Dan Zinder <dzinder@cityofmolalla.com>

Sent: Wednesday, January 18, 2023 11:58 AM

To: Jonathan Sheckard <Jonathan.Sheckard@rivercityusa.com>

Cc: Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine <daniels@aquariusenv.com>

Subject: RE: 410 Industrial way / Molalla Land use Application

Jonathan,

Mac and I had an initial discussion of the application this morning. I wanted to give you some feedback on timing and better specifics on the question we anticipate posing to Council.

First, due to noticing requirements for legislative hearings and the need to provide time for Staff review, the first hearing where we'll be able to bring this application before Council would be February 22nd.

Second, we performed an initial code review. While we believe we found a use that comfortably houses your proposed facility there's a question of whether the proximity of your proposed service area is appropriate for that use category. Your proposed service area will thus be an important element to address before the Council.

To provide a little more detail, Staff determined that the use meets the use category highlighted below from the "Institutional Uses" portion of our [Allowed Uses Table](#):

Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	I
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU	CU	CU	CU	C

The use reading is thus more straightforward than we initially thought. Construction of these facilities would simply need to undergo design review and receive a Conditional Use Permit. However, in looking over the definition for "Utilities" we found the need to make a code interpretation for proximity because the extent of where a utility service provider can be located is not objectively defined in the code.

"Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water

conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or "Other" uses (e.g., Utility Corridor) as applicable."

The Council's determination thus will be one on what constitutes "Near" as there is no objective criteria for Staff to make that determination. Presumably, your organization will be bringing in materials from areas not directly adjacent to the City so you'll need to define what your typical service area is and the extent to where there may be exceptions. The City will be providing context on the code language and guidance for reasonable determinations for the Council's decision. Our initial blush is that we do believe there is a reasonable nexus to include adjacent counties for the service area.

Hope this clarifies where we're going with this and let us know if you have any questions as the hearing approaches.

Best,
Dan Zinder
503.759.0226

From: Andy Peters <apeters@cityofmolalla.com>
Sent: Tuesday, January 17, 2023 7:34 AM
To: Dan Zinder <dzinder@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>
Cc: Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>
Subject: FW: 410 Industrial way / Molalla Land use Application

Folks, this application was received Friday, payment taken by Ginger (\$3300).

Thanks!

Andy

From: Jonathan Sheckard <Jonathan.Sheckard@rivercityusa.com>
Sent: Friday, January 13, 2023 2:14 PM
To: Andy Peters <apeters@cityofmolalla.com>
Cc: Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine <daniels@aquariusenv.com>
Subject: FW: 410 Industrial way / Molalla Land use Application

Hello Andy,

Attached you will find a copy of our complete Molalla land use application. Also attached you will find an operations description, current print of the property and a proposed print of the property for your review. I will be dropping these documents off today and will pay the application fee of \$3,300 on check #68800. Please feel free to reach out to Steve Charlie or Myself if you have any questions.

We look forward to meeting with the City council on the 25th of January.

Thank You

Vice President | River City Environmental, Inc.

Jonathan Sheckard

P: 503-252-6144 | C: 503-849-0701

D: 503-467-2608 | Jonathan.Sheckard@rivercityusa.com

Working Together for a Clean Environment | www.rivercityusa.com

