
Preliminary Subdivision Narrative

Cascade Center Commercial Development

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City of Molalla, Oregon

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DESCRIPTION

This project is a development of a thirteen lot commercial subdivision on a 19 total acre property located at 121 S Hezzie Lane in Molalla, Oregon. The properties can also be located by the Clackamas County Map under the following information: 52E08C00800, 52E08C00801, 52E08C00900, 52E08C00700, 52E08C00400, 52R08C00600 and 52E08C00500

EXISTING CONDITIONS

The project site is a collection of seven lots, some have homes on them, while others are empty. The lots have access from State Highway 211. There are trees scattered over the property. The site slopes from south east to north west away from the back of the properties towards the street.

PROPOSED DEVELOPMENT

The proposed development will consist of a re-plat of the existing seven lots into thirteen new lots for commercial use. Lots one through seven will have retail/restaurant/office building pads with associated parking. Lot eight will be a mixture of recreational vehicle and self storage units. Lot nine will be additional parking for the adjacent Stone Place apartment complex. Lots ten thru twelve will be developed in the future. Lot thirteen is being developed by someone else. Access to these new commercial lots will come of either the existing Highway 211 or a new proposed roadway which is the extension of Leroy Avenue. There will be shared access driveways that will serve all the internal lots of the commercial subdivision. All these lots will be serviced with storm, sanitary and water for domestic use as well as fire protection.

CODE COMPLIANCE

This section will demonstrate that this project is in either compliance with the criteria of the Molalla Development Code or if any Zoning Adjustments or Variances will be required.

17-4.2 SITE DESIGN REVIEW

17-4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the Planning Official and the City Engineer determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements.

1. Information required for Type II or Type III review, as applicable (see Chapter 17-4.1).

Applicants Response: Information is being submitted for a Type III review.

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

Applicants Response: a Storm water Management Plan and Traffic Impact Analysis is provided with this submittal.

- B. **Site Design Review Information.** In addition to the general submission requirements, an applicant for Site Design Review shall provide the following information, as deemed applicable by the Planning Official. The Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.
 1. **Site Analysis Map.** The site analysis map shall contain all the following information, as the Planning Official deems applicable:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
 - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
 - c. Identification of slopes greater than 15 percent, with slope categories identified in five percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;
 - f. Areas subject to overlay zones;
 - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
 - h. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six inches or greater at four feet above grade;
 - i. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and
 - j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

Applicants Response: a Site Analysis Map is provided as part of this submittal.

2. **Proposed Site Plan.** The site plan shall contain all the following information:
 - a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis maps that are proposed to remain on the site;
 - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - i. Loading and service areas for waste disposal, loading, and delivery;
 - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - k. Location, type, and height of outdoor lighting;
 - l. Location of mail boxes, if known;
 - m. Name and address of project designer, if applicable;
 - n. Locations of bus stops and other public or private transportation facilities; and
 - o. Locations, sizes, and types of signs.

Applicants Response: a Site Plan of the proposed development is provided as part of this submittal

3. **Architectural Drawings.** Architectural drawings shall include, as applicable:
 - a. Building elevations with dimensions;
 - b. Building materials, colors, and type; and
 - c. Name and contact information of the architect or designer.

Applicants Response: Building plans and elevations are provided as part of this submittal

4. **Preliminary Grading Plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 17-3.6.040.

Applicants Response: a Grading Plan is provided as part of this submittal

5. **Landscape Plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 17-3.4:
 - a. The location and height of existing and proposed fences, buffering, or screening materials;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and
 - f. Other information as deemed appropriate by the Planning Official. An arborist's report may be required for sites with mature trees that are to be retained and protected.

Applicants Response: a Landscaping Plan will be provided at a later date.

6. **Deed Restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

Applicants Response: The shared access and utility easements will be maintained under separate agreements. The agreements will be provided at a later date.

7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 17-4.2.050.

Applicants Response: This document will serve as the narrative report documenting compliance with the applicable approval criteria.

8. **Traffic Impact Analysis**, when required by Section 17-3.6.020.A(4).

Applicants Response: a Traffic Impact Analysis is provided as part of this submittal

9. **Other information determined by the Planning Official.** The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

Applicants Response: a Phase I Environmental Site Assessment is provided as part of this submittal

17-4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Official, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

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

Applicants Response: A completed application is provided as part of this submittal

- B. The application complies with all of the applicable provisions of the underlying Zoning District (Division II), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
- C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Nonconforming Situations;

Applicants Response: Not Applicable

- D. The proposal complies with all of the Development and Design Standards of Division III, as applicable, including, but not limited to:
1. Chapter 17-3.3 Access and Circulation,
 2. Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting,
 3. Chapter 17-3.5 Parking and Loading,
 4. Chapter 17-3.6 Public Facilities, and
 5. Chapter 17-3.7 Signs;

Applicants Response: The development and design standards of Article 17-3 will be addressed in other sections of this application which are provided as part of this submittal

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

Applicants Response: All adverse impacts to adjacent properties will be avoided or minimized to the fullest extent as feasible.

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

Applicants Response: Not Applicable

17-4.2.060 Assurances

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 17-3.6.090, as applicable.

Applicants Response: A performance guarantee and warranty bond for the public improvements will be provided as required.

17-4.1.040 Type III Procedure (Quasi-Judicial Review—Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial Review shall be made on forms provided by the Planning Official.

Applicants Response: The completed application forms are provided as part of this submittal

2. **Submittal Information.** The Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

- a. The information requested on the application form;

Applicants Response: The completed application forms are provided as part of this submittal

- b. Plans and exhibits required for the specific approval(s) being sought;

Applicants Response: The necessary plans and exhibits are provided as part of this submittal

- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

Applicants Response: This narrative explains how the application satisfies each and all of the relevant criteria and standards

- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

Applicants Response: Not Applicable

- e. The required fee.

Applicants Response: A payment amount for the appropriate fees is provided as part of this submittal

- f. Comments, if obtained from neighborhood contact per Section 17-4.1.070.

Applicants Response: The criteria of Neighborhood Contact will be complied with per Section 17-4.0.070

17-3 COMMUNITY DESIGN STANDARDS

17-3.1 DESIGN STANDARDS ADMINISTRATION

17-3.1.010 Purpose

Division III contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, and adequate public facilities.

17-3.1.020 Applicability

The provisions of Division III apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 17-3.1.020.

17-3.2 BUILDING ORIENTATION AND DESIGN

17-3.2.010 Purpose

Chapter 17-3.2 regulates the placement, orientation, and design of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. In summary, Chapter 17-3.2 is intended to create and maintain a built environment that:

- A. Is conducive to walking and bicycling;
- B. Provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C. Reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D. Encourages the use of water-conserving landscaping;
- E. Allows for the integration of surface water management facilities within parking lots and landscape areas; and
- F. Creates a sense of place that is consistent with the character of the community, including historical development patterns and the community vision.

17-3.2.020 Applicability

Chapter 17-3.2 applies to all new buildings, including single-family detached homes, and exterior alterations to existing buildings. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.2, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances.

17-3.2.040 Non-Residential Buildings

- A. **Purpose and Applicability.** The following requirements apply to non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing.
- B. **Building Orientation.** The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.
 - 1. Buildings subject to this section shall conform to the applicable build-to line standard in Table 17-2.2.040.E, as generally illustrated in Figure 17-3.2-6. The standard is met when at least 50 percent of the abutting street frontage has a building placed no farther from at least one street property line than the build-to line in Table 17-2.2.040.E; except in the Central Commercial C-1 zone, at least 80 percent of the abutting street frontage shall have a building placed no farther from at least one street

property line than the required build-to-line. The Planning Official, through Site Design Review, may waive the build to line standard where it finds that one or more of the conditions in subdivisions a through g occurs.

- a. A proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
 - b. The standards of the roadway authority preclude development at the build-to line.
 - c. The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way, pursuant to Section 17-3.2.050 and subject to Site Design Review approval.
 - d. The build-to line may be increased to provide a private open space (e.g., landscaped forecourt), pursuant to Section 17-3.2.050, between a residential use in a mixed-use development (e.g., live-work building with ground floor residence) and a front or street property line.
 - e. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
 - f. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location pursuant to Section 17-3.2.050.
 - g. An existing building that was lawfully created but does not conform to the above standard is proposed to be expanded and compliance with this standard is not practicable.
2. Except as provided in subsections C.5 and 6, all buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk in conformance with Section 17-3.3.040.
 3. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.
 4. Off-street parking shall be oriented internally to the site to the extent practicable, and shall meet the Access and Circulation requirements of Chapter 17-3.3, the Landscape and Screening requirements of Chapter 17-3.4, and the Parking and Loading requirements of Chapter 17-3.5.
 5. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting the requirements under Section 17-3.2.050, subject to Site Design Review approval. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway conforming to Section 17-3.3.040.

Applicants Response: The above conditions for Building Orientation have been considered and adhered to as much as possible. But there is also the needs of the prospective tenants/owners of these commercial subdivision lots that factor in on the layout of the site. A compromise will be necessary to make sure all parties concerned will be met with their needs to make this a viable project.

- C. **Large-Format Developments.** Plans for new developments, or any phase thereof, with a total floor plate area (ground floor area of all buildings) greater than 35,000 square feet, shall meet all of the following standards in subsections C.1 through 9, as generally illustrated in Figure 17-3.2-7. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.
1. The site plan or preliminary subdivision plan, as applicable, shall comply with the street connectivity standards of Section 17-3.6.020. The plan approval shall bind on all future phases of the development, if any, to the approved block layout.
 2. Except as provided by subsections C.6 through 9, the site shall be configured into blocks with building pads that have frontage onto improved streets meeting City standards, and shall contain interior parking courts and with interconnected pedestrian walkways.
 3. The build-to line standards in Table 17-2.2.040.E shall be met across not less than 75 percent of the site's street frontage, consistent with subsection 17-3.2.040.B, except the build-to standard does not apply where a railroad, expressway, water body, topographic constraint, or similar physical constraint makes it impractical to orient buildings to a particular street or highway.
 4. Walkways shall connect the street right-of-way to all primary building entrances, and shall connect all primary building entrances to one another, including required pedestrian crossings through interior parking areas, if any, in accordance with Section 17-3.3.040. The Planning Official may condition development to provide facilities exceeding those required by Section 17-3.3.040, including a requirement for lighting, stairways, ramps, and midblock pedestrian access ways (e.g., to break up an otherwise long block) to ensure reasonably safe, direct, and convenient pedestrian circulation. Development in the right-of-way shall be approved by the City Engineer.
 5. Buildings placed at a block corner shall have a primary entrance oriented to the block corner. That entrance shall be located no more than 20 feet from the corner, as measured from the street curb and shall have a direct and convenient pedestrian walkway connecting to the corner sidewalk.
 6. All buildings shall orient to a street, pursuant to subsection B. Where it is not practical to orient all buildings to streets due to existing parcel configuration or a similar site constraints, buildings may orient to a "shopping street" providing, at a minimum, on-street parking (parallel or angled parking), 10-foot sidewalks (which shall include a four-foot zone for street trees and furnishings such as benches and other street furniture), and pedestrian-scale lighting. Shopping street dimensions do not apply to the public right-of-way.
 7. Each building that is proposed as orienting to a shopping street shall comply with the orientation standards of subsection B in reference to the shopping street, and shall have at least one primary entrance oriented to the shopping street.
 8. Where a building fronts both a shopping street and a public street, that building shall contain at least one primary entrance oriented to each street; except that an entrance is not required where the public street is not improved with a sidewalk and the City determines that sidewalk improvements to the public street cannot be required as a condition of approval.
 9. All other provisions of this Code apply to large-format developments.

Applicants Response: The above conditions for Large-Format Developments have been considered and adhered to as much as possible. But there is also the needs of the prospective tenants/owners of these commercial subdivision lots that factor in on the layout of the site. A compromise will be necessary to make sure all parties concerned will be met with their needs to make this a viable project.

- D. **Primary Entrances and Windows.** The following standards, as generally illustrated in Figures 17-3.2-8 and 17.3.2-9, apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.
1. **All Elevations of Building.** Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall to contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the overall composition and design integrity of the building.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

2. **Pedestrian Entrances.** Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window or windows, a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

3. **Corner Entrances.** Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

Applicants Response: There are no buildings located on corner lots.

4. **Street Level Entrances.** All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.

Applicants Response: Each buildings primary entrances are at street level and are ADA accessible from parking lots and street sidewalk.

5. **Windows—General.** Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
6. **Storefront Windows.** Storefront windows shall consist of framed picture or bay windows, which may be recessed. Framing shall consist of trim detailing such as piers or pilasters (sides), lintels or hoods (tops), and kick plates or bulkheads (base)—or similar detailing—consistent with a storefront character. The ground floor, street-facing elevation(s) of all buildings shall comprise at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 72 inches above the sidewalk grade.

Applicants Response: Each buildings internal functionality and operational procedures may not allow for incorporating 60 percent transparency for the storefront windows. This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

7. **Defined Upper Story(ies).** Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

Applicants Response: The buildings on this project site will be of a one-story design

8. **Buildings Not Adjacent to a Street.** Buildings that are not adjacent to a street or a shopping street, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the 60 percent transparency standard on all elevations abutting civic space(s) and on elevations containing a primary entrance.

Applicants Response: All buildings are adjacent to a shopping street

9. **Side and Rear Elevation Windows.** All side and rear elevations, except for zero lot line or common wall elevations, where windows are not required, shall provide not less than 30 percent transparency.

Applicants Response: Each buildings internal functionality and operational procedures may not allow for incorporating transparency for the side and rear elevation windows. This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

10. **Window Trim.** At a minimum, windows shall contain trim, reveals, recesses, or similar detailing of not less than four inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

11. **Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed, provided they do not encroach into the pedestrian through-zone.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

12. **Window Exceptions.** The Planning Official may approve an exception to the above standards where existing topography makes compliance impractical. Where it is not practicable to use glass, windows for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles window patterns (rhythm and scale).

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

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

1. **Articulation.** All building elevations that orient to a street or civic space shall have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, pursuant to the following standards, which are generally illustrated in Figures 17-3.2-10, 17-3.2-11, and 17-3.2-12.
 - a. A “break” for the purposes of this subsection is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
 - b. The Planning Official through Site Design Review may approve detailing that does not meet the 24-inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historic-contributing buildings existing in the vicinity.
 - c. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
 - d. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plane standard but should complement the overall building design.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

2. **Change in Materials.** Elevations should incorporate changes in material that define a building’s base, middle, and top, as applicable, and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

3. **Horizontal Lines.** New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include, but are not limited to: the base below a series of storefront windows, an awning or canopy line, a belt course between building stories, a cornice, or a parapet line. Where existing adjacent buildings do not meet the City’s current building design standards, a new building may establish new horizontal lines.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

4. **Ground Floor and Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awning, canopy, or similar division.

Applicants Response: The buildings on this project site will be of a one-story design

5. **Vertical Rhythms.** New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

- F. **Pedestrian Shelters.** The following standards apply to new buildings and building additions that are subject to Site Design Review. The Planning Official may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapters 17-4.2 and 17-4.7, respectively.
1. **Minimum Pedestrian Shelter Coverage.** Permanent awnings, canopies, recesses, or similar pedestrian shelters shall be provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area; except that the Planning Official, through Site Design Review, may reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance. The Planning Official shall waive the above standards if the pedestrian shelter would extend into the right-of-way and the roadway authority does not allow encroachments in the right-of-way.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

2. **Pedestrian Shelter Design.** Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

G. **Mechanical Equipment.**

1. **Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Chapter 17-3.4. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
2. **Rooftops.** Except as provided below, rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the Planning Official may approve painting of mechanical units in lieu of screening; such painting may consist of colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses.

Applicants Response: This condition will be considered and will be reviewed as part of the design review and building permit process for each individual building.

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

- I. **Drive-Up and Drive-Through Facilities.** Drive-up and drive-through facilities shall comply with the requirements of Section 17-3.2.060.

17-3.2.050 Civic Space and Pedestrian Amenities

- A. **Purpose.** This section provides standards for civic spaces where such areas are required or provided voluntarily. Civic spaces allow for light and air circulation, visual relief, pedestrian resting areas, and opportunities for socialization in the most densely developed parts of the City. The code allows projects to meet minimum landscape area standards of Chapter 17-3.4 by providing civic space adjacent to street frontages or in courtyards or plazas between buildings, instead of with planted areas elsewhere on a lot as is typically done for residential developments.
- B. **Applicability.** All new commercial and mixed use developments with more than 10,000 square feet of gross leasable floor area within the Central Commercial C-1 and General Commercial C-2 zones are required to meet the standards of this section.
- C. **Standards.**
 1. Civic Space Standards. Except as provided by subsections C.3 and 4, at least three percent of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, pursuant to all of the following standards in subdivisions a through e, and as generally illustrated in Figure 17-3.2-12:
 - a. The highest priority locations for civic space improvements are those with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated.
 - b. Civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way. Access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns or texture).
 - c. Where public access to a civic space is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area, such as an outdoor eating area attached to a restaurant, in finding the project complies with the standard.
 - d. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, by extending the width of an existing sidewalk by four feet, a developer might provide space for an outdoor eating area; whereas a larger development at a street corner could meet the standard by creating a plaza adjacent to a building entrance.
 - e. Civic space improvements shall conform to Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting.

Applicants Response: Civic space improvements have been incorporated into the design of the project site as shown on the site plans.

2. **Pedestrian Improvements in Civic Spaces.** Except as provided by subsections C.3 and 4, where this section requires the provision of civic space, such space shall be improved with pedestrian amenities, pursuant to the following standards in subdivisions a through e:
 - a. Pedestrian amenities shall be provided in an amount equal to or greater than one-half of one percent of the estimated construction cost of the proposed building(s). A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Planning Official.

- b. Pedestrian amenities include plaza surfaces (e.g., pavers, landscapes, etc.), sidewalk extensions (e.g., with outdoor café space), street furnishings (e.g., benches, public art, pedestrian-scale lighting, water fountains, trash receptacles, bus waiting shelters, shade structures, or others), way-finding signs, or similar amenities, as approved by the Planning Official.
- c. Where a civic space adjoins a building entrance it should incorporate a permanent weather protection canopy, awning, pergola, or similar feature, consistent with Section 17-3.2.040.F.
- d. The City may accept pedestrian amenities proposed within a public right-of-way (e.g., street corner or mid-block pedestrian access way) and grant the developer credit toward fulfilling the above improvement standard.
- e. The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements.

Applicants Response: Pedestrian amenities for the civic space improvements have been incorporated into the design of the project site as shown on the site plans.

- 3. **Exception for Minor Projects.** Building additions and remodels are not required to provide civic space where the estimated cost of the proposed building improvement is less than 50 percent of the existing assessed value of improvements on the subject site. Cost estimates are based on those used to estimate building permit fees, or other independent and credible source, subject to review and approval by the Planning Official. Assessed values shall be the market value of record at the Clackamas County Assessor's Office.

Applicants Response: Not applicable.

- 4. **Exception for In Lieu Fee.** Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee, to be paid to the City of Molalla Parks Improvement Fund, which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the City Planning Official.

Applicants Response: If civic space improvements are deemed less than sufficient per 17-3.2.050, then the applicant would consider paying the in lieu fee.

17-3.2.060 Drive-Up and Drive-Through Uses and Facilities

- A. **Purpose.** Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
- B. **Standards.** Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards, as generally illustrated in Figure 17-3.2-13:
 - 1. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.
 - 2. The drive-up or drive-through portion of the establishment or drive-through window shall not be oriented to street corner.

3. The entry into a drive-up or drive-through portion of the establishment or drive-through window shall be located a sufficient distance from a street right-of-way so as not to allow for queue into a street right-of-way during any time of the year. Applicant shall provide a section within the Traffic Impact Analysis or supply the City with a traffic engineer's report demonstrating that the drive-up or drive-through will have no impact to the street right-of-way.
4. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.
5. In the General Commercial C-2 district, a new drive-up or drive-through facility must comply with the access control distance requirements identified in the City's Transportation System Plan in relation to existing drive-up or drive-through facilities.

Applicants Response: The drive-up and drive-through facilities conditions shall be met and will be reviewed as part of the design review and building permit process for each individual building.

17-3.3 ACCESS AND CIRCULATION

17-3.3.010 Purpose

Chapter 17-3.3 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

17-3.3.020 Applicability

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

17-3.3.030 Vehicular Access and Circulation

- A. **Purpose and Intent.** Section 17-3.3.030 implements the street access policies of the City of Molalla Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. **Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

Applicants Response: The permits for the frontage improvements on Highway 211 and new street construction for the extension of Leroy Avenue will be applied for to the appropriate authorities.

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

Applicants Response: a Traffic Impact Analysis is provided as part of this submittal

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

1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.

Applicants Response: There are two access points coming off Highway 211. One is to the west of Leroy Avenue for the main development site and the other is to the east of Leroy Avenue to the storage facility site. Both access points meet the required spacing standards. There is also several access points coming off the new extension of Leroy Avenue, which is the lower classification street.

2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.

Applicants Response: spacing, sight distance and channelization standards will be met and reviewed by the appropriate roadway authority.

3. Driveways shall be paved and meet applicable construction standards. Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Public Works Design Standards.

Applicants Response: The driveways will be paved to meet the applicable construction standards.

4. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.

Applicants Response: All access points to the project site are being proposed as full access conditions.

5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the City Engineer may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

Applicants Response: A shared access agreement will be in place to ensure access to all lots on the project site. The agreement will be provided at a later date.

6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

Applicants Response: Emergency vehicle access and circulation has been incorporated into the design of the project site. Coordination and review with the local fire department will be completed to ensure this condition will be met.

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.

Applicants Response: Service vehicle access and circulation, which include a garbage truck and a WB-67 interstate semi-trailer has been incorporated into the design of the project site. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

8. Except where the City Engineer and roadway authority, as applicable, permit an open access with perpendicular or angled parking, driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

Applicants Response: Proposed access points have been designed to provide adequate que lengths for vehicles leaving the project site.

9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.

Applicants Response: All driveways are located internally on the project site and do not obstruct any public right-of-way.

10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.

Applicants Response: Approaches and driveways are not wider than necessary to safely accommodate the turning movements of emergency and service vehicles while also minimizing the crossing distance for pedestrians where possible.

11. As it deems necessary for pedestrian safety, the City Engineer, in consultation with the roadway authority, as applicable, may require that traffic-calming features, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.

Applicants Response: Cross walks across driveways will be marked. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.

Applicants Response: There is a deceleration/right turn lane that leads to the driveway approach at the west end of the project site, which is unavoidable. There are two things to consider here. First the deceleration/right turn lane is necessary to move traffic away from the thru lane, this would be considered a safety operation. Second if the driveway approach was not located there, then a deceleration/right turn lane would not be necessary, unfortunately the two go hand in hand.

13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.

Applicants Response: Loading areas are located away from the main access points to the project site.

14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.

Applicants Response: Concrete driveway aprons are proposed.

15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.

Applicants Response: The project site will be ADA accessible. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

16. The City Engineer may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.

Applicants Response: Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Engineer may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

Applicants Response: The frontage improvements on Highway 211 will require a permit from ODOT. A permit for this work will be applied for.

18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.

Applicants Response: Filling in the ditch and placing a piped storm water conveyance system will be part of the frontage improvements on Highway 211 and will require a permit from ODOT. A permit for this work will be applied for.

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

Applicants Response: Filling in the ditch and placing a piped storm water conveyance system will be part of the frontage improvements on Highway 211 and will require a permit from ODOT. A permit for this work will be applied for.

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

Applicants Response: Gravel construction entrances will be in place at the access points to the project site during construction. Other erosion and sediment control practices will be implemented to prevent tracking of mud onto adjacent paved streets.

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

Applicants Response: A storm water management plan for the project site will be implemented to the requirements of section 17-3.6.050.

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

Applicants Response: The distance from N Hezzie Lane to the west entrance of the project site is approximately 400 feet. The distance from the west entrance to the project site to Leroy Avenue is approximately 430 feet. The distance from Leroy Avenue to the east entrance to the project site is approximately 460 feet and the distance from the east entrance to the project site to Ridings Avenue is approximately 400 feet. These distances exceed the minimum distance requirement between street intersections and driveway approaches.

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

Applicants Response: The distance between approaches to the site on Highway 211 and the proposed extension of Leroy Avenue exceeds the minimum distance requirements between approaches.

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

Applicants Response: No objects greater than 2.5 feet in height shall be placed in the vision clearance areas. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- H. **Exceptions and Adjustments.** The City Engineer may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The Planning Official through a Type II procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.

Applicants Response: The spacing standards of subsections E and F, above, can be met. No exceptions and adjustments will be necessary.

- I. **Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

Applicants Response: A shared access and maintenance agreement will be in place to ensure access to all lots on the project site. This agreement will be provided at a later date.

17-3.3.040 Pedestrian Access and Circulation

- A. **Purpose and Intent.** Section 17-3.3.040 implements the pedestrian access and connectivity policies of the City of Molalla Transportation System. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. **Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation as generally illustrated in Figure 17-3.3-3:
 - 1. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

Applicants Response: A pedestrian walkway system has been incorporated into the design of the project site. The site plan shows sidewalks adjacent to buildings and connections to the sidewalk on the public street improvements.

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

Applicants Response: A pedestrian walkway system has been incorporated into the design of the project site. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

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

Applicants Response: A pedestrian walkway system shall be raised six inches and curbed along the edge of the driveway or street. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

4. **Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding 24 feet in length.

Applicants Response: Crosswalks shall be clearly marked or differentiated from surrounding material. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

5. **Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant to Chapter 17-4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the current version of the Public Works Design Standards and Transportation System Plan.

Applicants Response: All pedestrian walkways shall be a minimum of six feet in width and be made of material that is most appropriate for its location. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

6. **Walkway Construction (Private).** Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than six feet in width in commercial and mixed use developments and where access ways are required for subdivisions under Division IV.

Applicants Response: All pedestrian walkways shall be a minimum of six feet in width and be made of material that is most appropriate for its location. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

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

Applicants Response: Not Applicable

17-3.4 LANDSCAPING, FENCES AND WALLS, OUTDOOR LIGHTING

17-3.4.010 Purpose

Chapter 17-3.4 contains standards for landscaping and screening, fences, and accessory walls, and outdoor lighting. The regulations are intended to protect public health, safety, and welfare by reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the City’s appearance.

17-3.4.020 Applicability

- A. Section 17-3.4.030 establishes design standards for landscaping and screening. Projects requiring Site Design Review or Land Division approval shall meet the landscape standards of the applicable zone, including the standards in Tables 17-2.2.040.D and 17-2.2.040.E and any Special Use requirements under Chapter 17-2.3, and the requirements of Section 17-3.4.030. Property owners are required to maintain landscaping and screening pursuant to Section 17-3.4.030.G.

Applicants Response: All the landscaping and screening on the project site will be designed to meet the specifications of Section 17-3.4.030.

- B. Section 17-3.4.040 establishes design standards for when a fence, or a wall not attached to a building, is to be erected, extended, or otherwise altered. It also applies to situations where this Code requires screening or buffering (e.g., outdoor or unenclosed storage uses). The standards of Section 17-3.4.040 supplement the development standards in Tables 17-2.2.030 and 17-2.2.040 and any applicable Special Use requirements under Chapter 17-2.3.

Applicants Response: All the fences and walls on the project site will be designed to meet the specifications of Section 17-3.4.050.

- C. Section 17-3.4.050, Outdoor Lighting, applies to all new outdoor lighting, i.e., lighting that is installed after November 10, 2017.

Applicants Response: All the outdoor lighting on the project site will be designed to meet the specifications of Section 17-3.4.050.

- D. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.4, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances.

17-3.4.030 Landscaping and Screening

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

Applicants Response: All the areas designated as open space shall be landscaped.

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

Applicants Response: The minimum landscape area will be met.

- C. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:
1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.
 2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.

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3. Trees shall be not less than two-inch caliper for street trees and one and one-half-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.
4. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75 percent at maturity.
7. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 35 percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
8. Where stormwater retention or detention, or water quality treatment facilities are proposed, they shall meet the requirements of the current version of the Public Works Design Standards.
9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
10. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
11. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
12. Deciduous trees should be used where summer shade and winter sunlight is desirable.
13. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
14. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
15. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
16. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, stormwater detention facilities, and similar grading, is proposed.
17. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

Applicants Response: All the above design guidelines for plant selection shall be considered. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

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

Applicants Response: Not Applicable, project site is located in the C-2 Commercial District.

- E. **Parking Lot Landscaping.** All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.
1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of shade trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide a partial canopy cover over the parking lot within five years. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.
 2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.
 3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.
 4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.
 5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

Applicants Response: All the above design guidelines for parking lot landscaping shall be considered. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- F. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the Planning Official. Landscaping shall be provided pursuant to the standards of subsections F.1 through 3. (See also Figure 17-3.4-4.)
1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 17-3.4.040 for related fence and wall standards.

Applicants Response: All outdoor storage and unenclosed uses shall meet the screening requirements and will be reviewed as part of the design review and building permit process for each individual building.

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

Applicants Response: This condition can be met. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

3. **Other Uses Requiring Screening.** The Planning Official may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, Special Uses pursuant to Chapter 17-2.3, flag lots, and as mitigation where an applicant has requested an adjustment pursuant to Chapter 17-4.7.
- G. **Maintenance.** All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

Applicants Response: Landscaping will be maintained by property owners.

17-3.4.040 Fences and Walls

- A. **Purpose.** This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.
- B. **Applicability.** Section 17-3.4.040 applies to all fences, and to walls that are not part of a building, including modifications to existing fences and walls.
- C. **Height.**
 2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall.
 - a. **Within Front or Street-Facing Side Yard Setback.** Four feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
 - (1) Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
 - b. **Within an Interior Side or Rear Yard Setback.** Eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

Applicants Response: This condition can be met. The only fences proposed will be the security fences around the storage facility sites.

3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 17-3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

Applicants Response: No objects greater than 2.5 feet in height shall be placed in the vision clearance areas. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

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

Applicants Response: Only approved materials shall be used in the construction of fences and walls.

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

Applicants Response: Fences and walls shall go through the appropriate building permit process and if necessary be designed by a Professional Engineer licensed in the State of Oregon.

- F. **Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

Applicants Response: Fences and walls will be maintained by property owners.

17-3.4.050 Outdoor Lighting

- A. **Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.
- B. **Applicability.** All outdoor lighting shall comply with the standards of this section.
- C. **Standards.**
1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet; pedestal- or bollard-style lighting shall be used to illuminate walkways. Flag poles, utility poles, and streetlights are exempt from this requirement.
 2. Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.
 3. Outdoor lighting levels shall be subject to review and approval through Site Design Review. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.
 4. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.
 5. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.
 6. Walkway lighting in private areas shall have a minimum average illumination of not less than 0.2 foot-candles. Lighting along public walkways shall meet the current version of the Public Works Design Standards and AASHTO lighting requirements.
 7. Active building entrances shall have a minimum average illumination of not less than two foot-candles.

8. Surfaces of signs shall have an illumination level of not more than two foot-candles.
9. Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than 0.2 foot-candles, average illumination of approximately 0.8 foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than 20:1.
10. Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:
 - a. Poles should be no greater in height than four times the distance to the property line.
 - b. Maximum lumen levels should be based on fixture height.
 - c. Private illumination shall not be used to light adjoining public right-of-way.
11. Where a light standard is placed within a walkway, an unobstructed pedestrian through zone not less than 48 inches wide shall be maintained.
12. Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

Applicants Response: The outdoor lighting for the project site shall be designed by a lighting design professional. All the above design guidelines for outdoor lighting shall be considered. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- D. **Permitting.** A Type I approval is required to install or replace outdoor lighting. The Planning Official may require lighting as a condition of approval for some projects, pursuant to other Code requirements.

Applicants Response: All the necessary permits shall be obtained for the installation of the outdoor lighting.

- E. **Maintenance.** For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

Applicants Response: Outdoor lighting will be maintained by property owners.

17-3.5 PARKING AND LOADING

17-3.5.010 Purpose

Chapter 17-3.5 contains requirements for automobile and bicycle parking. This Code is intended to be flexible in requiring adequate parking, rather than a minimum number of parking spaces, for each use. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. This Code also encourages non-motorized transportation by requiring bicycle parking for some uses.

17-3.5.020 Applicability and General Regulations

- C. **Calculations of Amounts of Required and Allowed Parking.**

1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection C.3. When there are two or more separate primary uses on a site, the minimum and

maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 17-3.5.030.D.

3. When more than 50 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.
4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 17-2.2.030, and is permitted as a Temporary Use under Section 17-2.3.160.

Applicants Response: The calculated number of parking spaces required is as follows. The total square footage for the proposed restaurants is 7,700 square feet and at 1 parking space per 200 square feet, the total spaces required is 38.5 (39). The total square footage for the proposed retail space is 44,861 square feet and at 1 parking space per 400 square feet the total spaces required is 111.70 (112). The total square footage for the proposed retail/office space is 18,600 square feet and at 1 parking space per 450 square feet the total spaces required is 41.33 (42). The amount of public parking spaces required is 193 parking spaces. The total amount of public parking spaces provided is 275. This is a ratio of 1.42 of additional parking.

- D. **Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 17-3.5.030.D.

Applicants Response: The parking provided is for employees and customer use. The parking is free of any fees.

- E. **Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within 800 feet of the site.

Applicants Response: There are parking spaces in the near vicinity of each retail/restaurant/office building and they are all less than 800 feet from the pedestrian access point to each building.

- F. **Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting and Chapter 17-3.6 Public Facilities.

Applicants Response: The site plans show the proposed parking areas for the project site.

17-3.5.030 Automobile Parking

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

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

2. A standard from Table 17-3.5.030.A for a use that the Planning Official determines is similar to the proposed use; or
3. Subsection B Exceptions, which includes a Parking Demand Analysis option.

B. Exceptions and Reductions to Off-Street Parking.

1. There is no minimum number of required automobile parking spaces for uses within the Central Commercial C-1 zone.
2. The applicant may propose a parking standard that is different than the standard under subsections A.1 and 2, for review and action by the Planning Official through a Type I or II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. This parking analysis applies to a request in the reduction or an increase in parking ratios.
3. The Planning Official, through a Type II procedure, may reduce the off-street parking standards of Table 17-3.5.030.A for sites with one or more of the following features:
 - a. Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20 percent reduction to the standard number of automobile parking spaces.
 - b. Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 10 percent reduction to the standard number of automobile parking spaces.
 - c. Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces.
 - d. Site has more than the minimum number of required bicycle parking spaces: Allow up to a 10 percent reduction to the number of automobile parking spaces.
 - e. Site has off-street parking or other public parking in the vicinity of the site.
4. The number of required off-street parking spaces may be reduced through the provision of shared parking, pursuant to subsection D.
5. The Planning Official through a Type I procedure may reduce the off-street parking standards of Table 3.5.030.A by one parking space for every two on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of subsection E.

Applicants Response: There are an adequate number of parking spaces on the project site. No exceptions or reductions are necessary.

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

1. 1.2 spaces for uses fronting a street with adjacent on-street parking spaces; or
2. 1.5 spaces, for uses fronting no street with adjacent on-street parking; or

3. A factor based on applicant's projected parking demand, subject to City approval.

Applicants Response: There are two adjacent streets to the project site, Highway 211 (an Arterial) and the proposed Leroy Avenue extension (a Collector) which do not allow on-street parking. This allows us to use a factor of 1.5 to determine the maximum number of parking spaces. The required amount of 193 parking spaces multiplied by 1.5 gives us the maximum amount of 289.5 (290). We have 275 parking spaces which is below the threshold of the maximum allowed.

- D. **Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type I Review.

Applicants Response: Each building(s) on the project site sit on their own lot, with their own allocated parking spaces, sized to meet the needs of that building. There should be no need for shared parking.

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

Applicants Response: All parking stall design meet or exceed the minimum requirements.

- F. **Adjustments to Parking Area Dimensions.** The dimensions in subsection E are minimum standards. The Planning Official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area. For example, the Planning Official may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

Applicants Response: No adjustments are necessary to the parking area dimensions.

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

Applicants Response: There are two van accessible ADA parking spaces in the near vicinity of each retail/restaurant/office building and they are all less than 80 feet from the pedestrian access point to each building.

- H. **Electric Charging Stations.** Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements.

Applicants Response: There are no electric charging stations proposed at this time unless an analysis is done to show the demand for these is there.

17-3.5.040 Bicycle Parking

- A. **Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 17-3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to Section 17-3.5.030.B, the Planning Official may require bicycle parking spaces in addition to those in Table 17-3.5.040.A.
- B. **Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle, consistent with the Public Works Design Standards.

Applicants Response: Bicycle parking and the necessary number of bike racks will be incorporated into the design of the project site. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- C. **Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

Applicants Response: Not Applicable.

- D. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 17-3.3.030.G.

Applicants Response: Bicycle parking and their required locations will be incorporated into the design of the project site. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

17-3.5.050 Loading Areas

- A. **Purpose.** The purpose of Section 17-3.5.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.
- B. **Applicability.** Section 17-3.5.050 applies to uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a 40-foot or longer wheelbase, at a frequency of one or more vehicles per week. The Planning Official shall determine through a Type I review the number, size, and location of required loading areas, if any.

Applicants Response: Loading areas are located internally on the project site close to the buildings that they will serve and will not interfere with traffic operations of the adjacent streets. They will be reviewed as part of the design review and building permit process for each individual building.

- C. **Standard.** Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The Planning Official may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.

Applicants Response: The loading area will be designed to accommodate a WB-67 interstate semi-trailer.

- D. **Placement, Setbacks, and Landscaping.** Loading areas shall conform to the standards of Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; and Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

Applicants Response: Loading areas are located internally on the project site close to the buildings that they will serve and will not interfere with traffic operations of the adjacent streets. They will be reviewed as part of the design review and building permit process for each individual building.

- E. **Exceptions and Adjustments.** The Planning Official, through a Type I Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

Applicants Response: Loading areas are located internally on the project site close to the buildings that they will serve and will not interfere with traffic operations of the adjacent streets. No adjustments are necessary.

17-3.6 PUBLIC FACILITIES

17-3.6.010 Purpose and Applicability

- A. **Purpose.** The standards of Chapter 17-3.6 implement the public facility policies of the City of Molalla Comprehensive Plan and adopted City plans.
- B. **Applicability.** Chapter 17-3.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the City Engineer shall interpret the Code pursuant to Chapter 17-1.5.
- C. **Public Works Design Standards.** All public facility improvements, including, but not limited to, sanitary sewer, water, transportation, surface water and storm drainage and parks projects, whether required as a condition of development or provided voluntarily, shall conform to the City of Molalla Public Works Design Standards. Where a conflict occurs between this Code and the Public Works Design Standards, the provisions of the Public Works Design Standards shall govern.

Applicants Response: The frontage improvements on Highway 211 shall be designed in conformance with the ODOT Highway Design Standards. The remainder of the public improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

- D. **Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provisions of this Code and the Public Works Design Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Applicants Response: Due to the magnitude of this project. The frontage improvements on Highway 211, the new roadway extension of Leroy Avenue, the private and public improvements on-site and the construction of the buildings must run concurrently in order for this project to be completed in a timely manner.

17-3.6.020 Transportation Standards

A. General Requirements.

1. Except as provided by subsection A.5, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 17-3.6 as a condition of development approval.

Applicants Response: This project will include the frontage improvements on Highway 211 and the new roadway extension of Leroy Avenue.

2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 17-3.6.020, and shall be constructed consistent with the City of Molalla Public Works Design Standards.

Applicants Response: The frontage improvements on Highway 211 shall be designed in conformance with the ODOT Highway Design Standards. The remainder of the roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, subject to review and approval of the City Engineer.

Applicants Response: Right-of Way will be dedicated for the frontage improvements on Highway 211 and the new roadway extension of Leroy Avenue.

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

- a. **When a Traffic Impact Analysis is Required.** The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- (1) A change in zoning or a plan amendment designation;
- (2) Operational or safety concerns documented in writing by a road authority;
- (3) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
- (4) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
- (5) An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
- (6) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;

- (7) A change in internal traffic patterns that may cause safety concerns; or
- (8) A TIA required by ODOT pursuant to OAR 734-051.
- b. **Traffic Impact Analysis Preparation.** A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

Applicants Response: a Traffic Impact Analysis is provided as part of this submittal

- 5. The City Engineer may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in subdivisions a through d is met. Where the City Engineer agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.
 - a. The standard improvement conflicts with an adopted capital improvement plan.
 - b. The standard improvement would create a safety hazard.
 - c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
 - d. The improvement under consideration is part of an approved partition and the proposed partition does not create any new street.

Applicants Response: No waiver or deferral of standard street improvements are necessary

B. Street Location, Alignment, Extension, and Grades.

- 1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection D Transportation Connectivity and Future Street Plans.
- 2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
- 3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.
- 4. New streets and street extensions exceeding a grade of 10 percent over a distance more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the City Engineer may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.
- 5. Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.
- 6. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.

7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

Applicants Response: The new roadway extension of Leroy Avenue will directly line up with the existing alignment of Leroy Avenue and will closely follow the recommendations and guidelines of the Transportation System Plan for the City of Molalla. The roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

C. Rights-of-Way and Street Section Widths.

1. Street rights-of-way and section widths shall comply with the current version of the Public Works Design Standards and Transportation System Plan. The standards are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties.

Applicants Response: Right-of Way will be dedicated for the frontage improvements on Highway 211 and the new roadway extension of Leroy Avenue.

2. All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a planter strip is provided it shall consist of a minimum five foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City Engineer approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.

Applicants Response: The frontage improvements on Highway 211 shall be designed in conformance with the ODOT Highway Design Standards. The remainder of the roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

3. Where a range of street width or improvement options is indicated, the City Engineer shall determine requirements based on the advice of a qualified professional and all of the following factors:
 - a. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
 - b. Existing and projected street operations relative to applicable standards;
 - c. Safety of motorists, pedestrians, bicyclists, and South Clackamas Transit District (SCTD) users, including consideration of accident history;
 - d. Convenience and comfort for pedestrians, bicyclists, and SCTD users;
 - e. Provision of on-street parking;
 - f. Placement of utilities;

- g. Street lighting;
- h. Slope stability, erosion control, and minimizing cuts and fills;
- i. Surface water management and storm drainage requirements;
- j. Emergency vehicles or apparatus and emergency access, including evacuation needs;
- k. Transitions between varying street widths (i.e., existing streets and new streets); and
- l. Other factors related to public health, safety, and welfare.

Applicants Response: The frontage improvements on Highway 211 shall be designed in conformance with the ODOT Highway Design Standards. The remainder of the roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

- 1. **Intersections.** Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersections shall meet the current requirements of the Public Works Design Standards and Transportation System Plan.

Applicants Response: The new roadway extension of Leroy Avenue will directly line up with the existing alignment of Leroy Avenue and will closely follow the recommendations and guidelines of the Transportation System Plan for the City of Molalla. The roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

- 2. **Access Ways.** The Planning Commission, in approving a land use application with conditions shall require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects or may in the future connect, the end of the street to another street, a park, or a public access way, except where the City Engineer and City Planner determine the access way is not feasible. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum eight-foot-wide concrete surface or other all-weather surface approved by the City Engineer. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

Applicants Response: The layout of the roadway for the Leroy Avenue extension has been designed in order to provide a future connection to an existing street. An access way will not be necessary

- 3. **Connectivity to Abutting Lands.** The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

Applicants Response: The layout of the roadway for the Leroy Avenue extension has been designed in order to provide a future connection to an existing street and will provide access points to the adjacent properties.

4. **Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the City, subdivisions and site developments shall be served by an interconnected street network, pursuant to the current version of the Public Works Design Standards and Transportation System Plan. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions; where practicable, a pedestrian access way connection shall be provided pursuant to Chapter 17-3.3.

Applicants Response: The new roadway extension of Leroy Avenue will directly line up with the existing alignment of Leroy Avenue, it has been designed in order to provide a future connection to an existing street and will closely follow the recommendations and guidelines of the Transportation System Plan for the City of Molalla.

5. **Cul-de-Sac Streets.** A cul-de-sac street shall only be used where the City Engineer determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, cul-de-sac length, turn-around type, and pedestrian access to adjoining properties shall meet the requirements of the current version of the Public Works Design Standards and Transportation System Plan and subsection D.2.

Applicants Response: The new roadway extension of Leroy Avenue will not be a cul-de-sac street.

6. **Future Street Plan.** Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is binding when part of a multi-phased master planned development. The plan must demonstrate, pursuant to City standards, that the proposed development does not preclude future street connections to adjacent development land.

Applicants Response: The layout of the roadway for the Leroy Avenue extension has been designed in order to provide a future connection to an existing street.

7. **Private Streets and Gated Drives.** Private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.

Applicants Response: No private street or gated drive is proposed for this project

- E. **Engineering Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the current version of the Public Works Design Standards and Transportation System Plan. Where a conflict occurs between this Code and the Public Works Design Standards, the provisions of the Design Standards shall govern.

Applicants Response: The frontage improvements on Highway 211 shall be designed in conformance with the ODOT Highway Design Standards. The remainder of the roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards.

- F. **Fire Code Standards.** Where Fire Code standards conflict with City standards, the City shall consult with the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.

Applicants Response: Coordination will be required with the Fire Marshal in order for the Fire Code standards to met.

- G. **Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the City Engineer may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, pursuant to the standards in the Public Works Design Standards and Transportation System Plan.

Applicants Response: Right-of Way will be dedicated for the frontage improvements on Highway 211 and the new roadway extension of Leroy Avenue.

- H. **Traffic Calming.** The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

Applicants Response: Traffic calming is not anticipated and may not be necessary. However the roadway improvements shall be designed in conformance with the City of Molalla Public Works Design Standards and will be reviewed as part of the construction permit process for the roadway improvements.

- I. **Sidewalks, Planter Strips, and Bicycle Lanes.** Except where the City Engineer grants a deferral of public improvements, pursuant to Chapter 17-4.2 or Chapter 17-4.3, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

Applicants Response: Sidewalks, planter strips, and bicycle lanes will be included in the design of the frontage improvements on Highway 211 and the new roadway extension of Leroy Avenue.

- J. **Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 300 feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Division IV. Private crossing improvements are subject to review and licensing by the rail service provider.

Applicants Response: There are no Railroads nearby the project site.

- K. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Molalla or vicinity. Street names shall be submitted to the City for review and approval in consultation with Clackamas County and emergency services.

Applicants Response: No new street names will be required.

- L. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

Applicants Response: Survey monuments shall be included as part of the recording of the subdivision plat for this project.

- M. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

Applicants Response: All necessary signage shall be installed per the MUTCD and the appropriate governing jurisdiction.

- N. **Streetlight Standards.** Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, be directed downward, and full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.

Applicants Response: The street lighting for the project site shall be designed by a lighting design professional. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- O. **Mail Boxes.** Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.

Applicants Response: The location and type of mailboxes to be used on the project site shall be in coordination with the United States Postal Service to ensure this condition will be met.

- P. **Street Cross-Sections.** The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway.

Applicants Response: This condition can be met.

17-3.6.040 Sanitary Sewer and Water Service Improvements

- A. **Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the City Engineer where alternate alignment(s) are provided.

Applicants Response: The construction of the sanitary sewer and water mains shall be included as part of the roadway improvements for the Leroy Avenue extension. Water mains will also be necessary on-site to provide domestic water services and fire protection and a realignment of the existing sanitary sewer on site will be necessary to provide service to all the buildings.

- B. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

Applicants Response: Permits shall be obtained prior to commencement of construction of the sanitary sewer and water mains.

- C. **Over-Sizing.** The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

Applicants Response: Coordination with the City of Molalla will be required on the issue of over-sizing sanitary sewer and water mains in order to meet the possible needs of future adjacent development.

- D. **Inadequate Facilities.** Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City Engineer may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

Applicants Response: Coordination with the City of Molalla will be required on the issue of existing capacity of the sanitary sewer and water mains

17-3.6.050 Storm Drainage and Surface Water Management Facilities

- A. **General Provisions.** The City shall issue a development permit only where adequate provisions for stormwater runoff have been made in conformance with the requirements of the current version of the Public Works Design Standards and Stormwater Master Plan.

Applicants Response: The storm water management plan for the project site will comply with the City of Molalla Public Works Design Standards and the Stormwater Master Plan

- B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

Applicants Response: Coordination with the City of Molalla will be required on the issue of over-sizing sanitary sewer and water mains in order to meet the possible needs of future adjacent development

- C. **Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

Applicants Response: Coordination with the City of Molalla will be required on the issue of downstream capacity issues for the storm drainage system. If capacity issues exist then a detention will be designed to overcome these capacity issues.

- D. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.

Applicants Response: Coordination with the City of Molalla will be required on the issue of over-sizing the storm drainage system in order to meet the possible needs of future adjacent development

- E. **Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, the City may require a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

Applicants Response: Filling in the ditch and placing a piped storm water conveyance system will be part of the frontage improvements on Highway 211 and will require a permit from ODOT. A permit for this work will be obtained.

17-3.6.060 Utilities

The following standards apply to new development where extension of electric power, gas, or communication lines is required:

- A. **General Provision.** The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. **Underground Utilities.**
 - 1. **General Requirement.** The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Engineer determines that placing utilities underground would adversely impact adjacent land uses. The Planning Official may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.
 - 2. **Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no aboveground equipment obstructs vision clearance areas for vehicular traffic, per Chapter 17-3.3 Access and Circulation.
 - b. The City Engineer reserves the right to approve the location of all surface-mounted facilities.
 - c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Applicants Response: All utilities on the project site will be placed underground. Coordination and review with the appropriate authorities will be completed to ensure this condition will be met.

- C. **Exception to Undergrounding Requirement.** The City Engineer may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

17-3.6.070 Easements

- A. **Provision.** The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.
- B. **Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Molalla Public Works Design Standards.
- C. **Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter 17-4.2 Site Design Review, and Chapter 17-4.3 Land Divisions and Property Line Adjustments.

Applicants Response: The location and description of the utility easements shall be included as part of the recording of the subdivision plat for this project.

17-3.6.080 Construction Plan Approval

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall commence without plans having been approved by the City of Molalla Public Works Department and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

Applicants Response: Construction documents shall be approved and construction permits shall be obtained prior to commencement of any construction activities on the project site.

17-3.6.090 Facility Installation

- A. **Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards.** The City of Molalla has adopted Public Works Design Standards for public improvements and private utility installation within the public right-of-way.

Applicants Response: The City of Molalla Public Works Design Standards shall be clearly adhered to

- C. **Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.

Applicants Response: Construction documents shall be approved and construction permits shall be obtained prior to commencement of any construction activities on the project site.

- D. **Resumption.** If work is discontinued for more than six months, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.

Applicants Response: No break in construction is anticipated.

- E. **City Inspection.** Improvements shall be constructed under the inspection of the City Engineer. The City Engineer may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 17-4.5 Modifications to Approved Plans and Conditions of Approval. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced at the developer or subdivider's expense prior to final acceptance of the improvements.

Applicants Response: The Contractor shall coordinate with the City Inspectors to ensure any unforeseen, but necessary field changes are approved in a timely manner as not to impact the construction schedule.

- F. **Engineer's Certification and As-Built Plans.** In accordance with the current version of the Public Works Design Standards, a registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials meet current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two sets of "as-built" plans, one paper set and one electronic set for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 17-3.6.100.

Applicants Response: An Engineers's Certification and As-Built Plans will be provided at the completion and the acceptance of the project by the City of Molalla.

17-3.6.100 Performance Guarantee and Warranty

- A. **Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that all of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a performance and payment bond in accordance with the current version of the Public Works Design Standards.

Applicants Response: A performance guarantee and warranty bond that is agreeable to all parties concerned, for the public improvements will be provided as required.

- B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance shall not be less than 150 percent of the estimated improvement costs.
- C. **Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

Applicants Response: An itemized improvement estimate for the public works construction shall be provided to the City of Molalla.

- D. **Agreement.** A written agreement between the City and applicant shall be signed recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
1. The period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 3. The required improvement fees and deposits.

Applicants Response: A performance guarantee and warranty bond that is agreeable to all parties concerned, for the public improvements will be provided as required.

- E. **When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.

Applicants Response: Not anticipated. Failure is not an option.

- F. **Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.

Applicants Response: Not anticipated.

- G. **Warranty Bond.** A warranty bond good for two years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 120 percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

Applicants Response: A performance guarantee and warranty bond that is agreeable to all parties concerned, for the public improvements will be provided as required.

18.02 SIGNS

18.02.010 Purpose.

- A. **The purpose of the sign regulations is to:**
1. Protect the health, safety, property and welfare of the public;
 2. Provide a neat, clean, orderly and attractive appearance in the community;
 3. Provide for safe construction, location, erection and maintenance of signs;
 4. Encourage signs to be well designed and wisely located;
 5. Prevent sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
 6. Provide a simple and efficient regulatory process; and
 7. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.
- B. To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.
- C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes.

18.02.020 Rules for reading and applying sign code language.

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

18.02.030 Area of signs.

Sign area includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, essential sign structure, foundations or supports. For a multiple-face (more than 2-sided) sign, the sign area shall be the total of all faces. If the sign consists of more than 1 section or module, all areas will be totaled. For a double-faced sign in a single cabinet, the allowed area shall be the dimension of the cabinet, not the total of the area of the message.

18.02.040 Permit requirements.

- A. **Permit Required.** All signs erected after the effective date of the ordinance codified in this chapter, other than signs exempt from permit requirements of this chapter shall require a sign permit.
- B. **Permit Application.**
1. Application for a sign permit shall be made on forms provided by the Planning Director.

2. An application shall include all plans and information necessary to establish that the proposed sign complies with the applicable requirements of this chapter and applicable building, structural and life safety codes.
3. Sign permits shall be reviewed pursuant to a Type I Land Use Procedure.
4. An approved sign review does not replace, supersede, or waive structural or electrical standards and permits required. These other permits must also be obtained prior to work on the installation of the sign.
5. Signs requested to be placed in any public right-of-way must first obtain permission from the jurisdiction having control of said right-of-way.
6. A sign review permit issued under this chapter is void if substantial physical action is not taken in accordance with the conditions of the permit and the applicable provisions of this chapter, and the finding that the applicant did not misrepresent or falsify any information supplied in the application.
7. Site plan and/or building elevation plans drawn to scale and dimension showing:
 - a. Existing structures;
 - b. Driveways;
 - c. Street and right-of-way;
 - d. Existing signs;
 - e. Proposed sign;
 - f. Vision clearance;
 - g. All incidental signs.
8. A proposed sign plan drawn to scale and dimension showing:
 - a. Height;
 - b. Width;
 - c. Square footage;
 - d. Thickness;
 - e. Size and style of letters;
 - f. Color;
 - g. Type of illumination;
 - h. Materials.
- C. **Fees.** A fee as established by resolution of the City Council shall be paid upon the filing of an application. Such fees shall not be refundable.

- D. **Permit Conditions.** The Planning Department shall attach conditions in conjunction with the approval of a sign permit in order to ensure the intent of this Code is met. The Planning Department may also require guarantees and evidence to ensure that such conditions will be complied with.
- E. **Permit Appeal.** A decision may be appealed to the Planning Commission. A written appeal must be filed with the Planning Department within 10 days of the notice of the decision. The appeal shall be conducted pursuant to a Type I Land Use appeals process.
- F. **Permit Suspension or Revocation.** The Planning Director or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.
- G. Adjustments to portions of the sign code may be allowed pursuant to compliance with Chapter 20.16.

Applicants Response: permits will be obtained and permit requirements adhered to prior to any signs being constructed or installed on the project site.

18.02.050 Construction and maintenance.

- A. Signs shall be constructed, erected and maintained to meet the requirements of the Oregon Structural Specialty Code, National Electric Code and Oregon Mechanical Code. In addition, all illuminated signs shall be subject to the provisions of the Underwriters' Standards, as defined in Underwriters' Laboratories, "Standards for Safety, Electric Signs." For purposes of this section, "illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign property.
- B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.
- C. All signs shall be located entirely within the boundaries of the subject property unless specifically authorized by this code.
- D. No sign shall be erected or maintained in such a manner that any portion will interfere in any way with the free use of, or any access to, any fire escape, or be erected or maintained so as to obstruct any window of light or ventilation required by any applicable law or building code.
- E. It is unlawful to erect or maintain a sign which, by reason of its size or location, pose immediate danger to the health, safety and welfare of the citizens of the city, either pedestrian or motorists, at public and/or private roadways, intersections, and driveways.
- F. All signs shall be able to withstand a wind pressure at a minimum of 20 pounds per square foot of exposed surface.
- G. All signs shall be constructed securely and shall not constitute a fire hazard.
- H. When wood is used which comes into contact with the ground, the wood must be pressure treated.

Applicants Response: All signs on the project site shall be constructed and maintained per the recommended guidelines and regulations.

18.02.060 Sign removal.

The Planning Department may order removal of any sign erected, replaced, reconstructed or maintained in violation of these regulations.

- A. The Planning Department shall deliver written notice by certified mail (return receipt requested) to the owner of the sign, or, if the owner of the sign cannot be located, to the owner of the lot(s) as shown on the tax rolls of Clackamas County, on which such sign is located, directing that the sign shall be removed or brought into compliance with these standards.
- B. If the owner of such sign or the owner of the lot(s) on which the sign is located fails to remove the sign or remedy the violation within 30 days after receipt of written notice from the city, the Planning Director shall cause such sign to be removed at the expense of the property owner. Such costs shall be entered by the City Recorder on the docket of city liens against the property owner and shall be collectible in the same manner as liens for public improvements.
- C. If the condition of the sign presents an immediate threat to the safety of the public, the Planning Director may cause removal of the sign immediately, without prior notice, and the expenses for such removal shall be paid by the owner of the sign or the permit applicant. If such persons cannot be found, the expense shall be paid by the owner of the building, structure or property.

Applicants Response: Not Applicable. There are no signs that need to be removed.

18.02.070 Nonconforming signs.

- A. A nonconforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, signs shall be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.
- B. Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures and requirements set forth in this chapter for other nonconforming structures. Except, approval of a nonconforming structure application is not required for the following:
 - 1. Normal repair and maintenance, where the cost to repair the sign does not exceed 50% of the replacement cost of the sign using new materials, as determined by the Building Official.
 - 2. Change of sign copy.
 - 3. Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official.
 - 4. A nonconforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity.
- C. Signs installed in violation of any prior sign code or applicable laws or regulations, and which are in violation of this chapter, shall be removed, replaced or altered in order to conform to the requirements of this chapter.
- D. Signs recognized as historical element of a historical landmark are exempt from this chapter.

- E. All nonconforming signs shall be altered to conform to the requirements of this chapter by January 1, 2025.
- F. A sign for which a variance is granted under the provisions of this chapter is not considered nonconforming.
- G. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60% of its replacement value, the nonconforming sign shall be removed.
- H. An unlawful sign shall be removed or made to conform within 60 days after written notice from the Planning Department. Said 60-day period may be extended if the owner of an unlawful sign submits to the Planning Department a declaration signed under penalty of perjury, on forms provided by the Department, stating that he or she intends to terminate the business identified by said sign within 12 months of the date of the notice and agrees to remove the sign upon the expiration of the 12-month period or the date he or she terminates his or her business, whichever occurs first.

Applicants Response: Not Applicable.

18.02.080 Exempt signs.

All signs which are placed inside a structure or building, which are not visible through windows or building openings and are not intended to be visible to the public are exempt from the provisions of the sign code.

Applicants Response: Not Applicable.

18.02.090 Prohibited signs.

- A. No sign, unless exempt or allowed pursuant to this chapter shall be permitted except as may be permitted pursuant to a variance procedure (Chapter 20.04).
- B. In a commercial or industrial zone no sign shall be placed inside or outside a structure so as to obscure more than 25% of any individual window surface. In a residential zone no sign shall be placed so as to obscure more than 10% of any individual window surface. Glass doors shall be considered an individual window surface. Holiday paintings and temporary specials painted on windows shall be exempt from this percentage of limitation.
- C. No permanent sign, other than a public sign, may be placed within or over any portion of the public right-of-way, except those signs which are consistent with the provisions of this chapter.
- D. No sign shall be allowed within 2 feet of any area subject to vehicular travel.
- E. No temporary sign, except for banner signs for which a permit has been issued and those necessary for temporary traffic control shall be placed within or over any portion of the public right-of-way of a major collector or arterial street.
- F. No sign shall be located in a manner which could impede travel on any pedestrian or vehicular travel surface.
- G. No temporary signs, bench signs. Banners, pennants, wind signs, balloon signs, flags, or any other temporary sign structure shall be allowed as except specifically authorized by this chapter.
- H. Except as otherwise provided herein, no sign shall be equipped or displayed with moving, flashing or intermittent illumination except athletic scoreboards.
- I. No sign shall be or consist of any moving, rotating, or otherwise animated part.

- J. No signs on buildings shall be placed on the roof or extend above the roof line or parapet of the structure.
- K. No sign shall be attached to a tree or vegetation.
- L. No non-public sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic on the street, or which hides from view any official traffic sign or signal shall be permitted.
- M. No public address system or sound devices shall be used in conjunction with any sign or advertising device.
- N. No signs that are internally illuminated shall be permitted in any residential zone.
- O. No sign that obstructs free and clear vision of the traveling public at the intersection of any street or driveway shall be permitted.
- P. A sign with lighting of such intensity or brilliance as to cause glare on adjoining properties or roadways or impair the vision of a driver of a motor vehicle or otherwise to interfere with the operations thereof or allows light to be directed upward.
- Q. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction.
- R. Any sign larger than 32 square feet (counting both sides) on an undeveloped lot or parcel of property.
- S. Signs larger than 3 square feet on fences or fencing.
- T. Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure not registered, licensed and insured for use on public highways, city and/or parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
- U. Video signs.
- V. Signs in violation of the other chapters of the Molalla Development Code.

Applicants Response: Not Applicable. No prohibited signs shall be used on the project site.

18.02.100 Design standards.

- A. All illuminated signs must be installed by a licensed sign contractor, subject to provisions of the State Electrical Code. All electrically illuminated signs shall bear the Underwriters' Laboratory label or equivalent.
- B. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining permits the applicant bears the burden of providing an approved sign permit or demonstrating exemption from the permit requirements of this chapter.
- C. Signs shall be designed to be compatible with nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationship of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
- D. Content on signs visible from streets shall be designed to minimize distractions to motorists. Signs may be reviewed for clarity and readability.

- E. **Setbacks.** Signs are required to meet the setback requirements of the applicable zoning district, except however the street yard setback for signs may be reduced to 50% of that required for other structures in the zone. Signs shall not obstruct a vision clearance area.
- F. **Size of Sign.** The maximum size of all signs per building shall not exceed the totals listed in the table below:

Street Frontage (ft)	Maximum Display Surface Area (sq ft)	Maximum Area of Any One Sign Face (sq ft)	Maximum Height Freestanding Signs (ft)
1 – 50	50	25	30
50 – 200	100	50	30
201+	300	150	30

On a building containing multiple tenants signage requirements shall meet the maximum below as an entire building not as individual business.

G. **Illumination.**

1. External illumination is allowed. The external illumination may be either “direct” or “indirect,” provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed and shielded in order to avoid direct illumination of any off-site object or property.
2. Internal illumination is allowed.
3. Sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in “light intrusion” onto adjacent properties.
 - a. Direct lighting means exposed lighting or neon tubes on the sign face.
 - b. Indirect lighting means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
 - c. Internal lighting means the light source is concealed within the sign.
4. Signs shall not flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
5. Exposed incandescent bulbs may be used on the exterior surface of a sign if each of such bulbs do not exceed 25 watts or unless each of such bulbs is screened by a diffusing lens, sun screen or similar shading device.

H. **Monument Signs.**

1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.
2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection (H)(4) of this section.
 - a. The base and top shall be constructed of stone, brick, or wood;

- b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection (H)(2)(c);
 - c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.
3. Monument signs shall provide street addresses when street addresses are not visible from the street.
4. A monument sign which does not meet 1 or more of the standards detailed above in subsections (H)(1) through (3), may be approved by the Planning Director pursuant to the Type II Land Use Procedure. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:
- a. The overall design of the sign exhibits a sense of structure; and
 - b. Materials, similar to stone, brick, or wood are used; and
 - c. The proposed sign is in conformance with all other applicable city ordinances concerning its location, construction, and design.

I. **Blade/Overhang Signs.**

- 1. Blade/overhang sign shall not extend more than 8 feet from the building face.
- 2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from the curb.
- 3. A minimum 9-foot clearance shall be provided between grade and the bottom of a blade/overhang sign.

J. **Wall Signs.**

- 1. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). An encroachment permit is required prior to encroachment into any public right-of-way.
- 2. The surface area of a wall sign shall not be more than 2 square feet per lineal foot of the wall on which it is erected. For shopping centers, the footage will be counted on the entire surface of the wall on which the sign is being erected and include all signs erected on that wall in the total footage.

K. **Reader Boards and Electronic Message Boards.**

- 1. The rate of change for sign copy on a bulletin or electronic message board from 1 message to another message shall be no more frequent than every 8 seconds. Once changed, content shall remain static until the next change.
- 2. Displays may travel horizontally or scroll vertically onto electronic message boards but must hold a static position after completing the travel or scroll.
- 3. Sign content shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Content shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on or leaves the electronic message board.

4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.
5. Electronic reader boards may be placed in commercial, industrial and public zones only.
6. No electronic message board may be located closer than 500 feet from another electronic message board.
7. These signs are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

L. A-Frame Signs.

1. Dimensions. The A-frame sign area shall not exceed 3 feet high by 2 feet wide. The top of the sign shall be no more than 42 inches from the ground (including feet and hinge mechanisms).
2. Construction. Shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.
3. Location. Shall not be located further than 100 feet from the primary business. Signs must not obstruct vehicle sight clearances or be placed so as to obscure permanent signs.
4. Quantity. No more than 1 A-frame sign per business.
5. No A-frame sign shall include any parts or attachments that extend beyond the edge of the sign dimensions.
6. No reflective materials shall be incorporated into the A-frame sign.
7. Neon colors shall not be incorporated into the A-frame sign.
8. No A-frame sign shall be placed along any designated sidewalk, or walkway in such a manner as to impede pedestrian passage.
9. A-frames shall not be placed in landscaped areas.
10. All A-frames shall comply with the requirements of this code within 1 year of adoption of this code.
11. Time Period. A-frame signs may be displayed only during public business hours and shall be promptly removed from public display when the business is closed, or at dusk, whichever comes first. For enforcement purposes, dusk is when nearby street lights turn on.
12. An A-frame sign which does not meet 1 or more of the standards detailed in this section above, may be approved by the Planning Director pursuant to a Type II Land Use Procedure. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria: The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard concerning its location, construction, and design.

Applicants Response: All signs on the project site will comply with the guidelines and regulations as stated above

- M. Signs in Residential Zones.** In addition to the temporary and permanent signage allowed without a permit in the residential zones the following signage is allowed subject to permit and fee:

Applicants Response: Not Applicable. The project site is not located in a Residential Zone

- N. **Signs in the Central Business District.** In addition to the temporary and permanent signage allowed without permit in the following Central Business District zones the following signage is allowed subject to permit and fee:

Applicants Response: Not Applicable. The project site is not located in the Central Business District

- O. **Signs in the Commercial District.** In addition to the temporary and permanent signage allowed without permit in the following commercial zones the following signage is allowed subject to permit and fee:

1. Monument Signs.
 - a. Church, School, or Public Facility.
 - i. Size. Maximum 48 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 9 feet.
 - iii. Location/Number. One sign may be located adjacent on each street frontage.
 - b. Minor Business Complex.
 - i. Size. Maximum 100 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 12 feet.
 - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
 - c. Major Business Complex.
 - i. Size. Maximum 150 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 12 feet.
 - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
 - d. All Other Uses.
 - i. Size. Maximum 48 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 12 feet.
 - iii. Location/Number. One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
2. Blade/Overhang Signs.
 - a. All Other Uses.
 - i. Size. Each sign shall have a maximum sign face area of 48 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.

- ii. Maximum Height. The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
- iii. Location/Number. One sign per building frontage for each business license on file with the city at that location.
- 3. Wall Signs.
 - a. All Uses.
 - i. Size. Maximum sign area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.
 - (C) If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 130 square feet.
- ii. Maximum Height. Shall not project above the roofline or top of the parapet wall, whichever is higher.
- iii. Location/Number. One sign per building frontage for each business license on file with the city at that location.
- 4. Reader Boards and Electronic Message Board Signs.
 - a. Bulletin Board for Church, School, Public/Semi-Public Facility.
 - i. Size. May encompass up to 75% of the sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. Location/Number. Only allowed as a permitted sign.
 - b. Bulletin Board—All Other Uses.
 - i. Size. May encompass up to 50% of sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. Location/Number. Only allowed as part of a permitted sign.
 - c. Electronic Message Board—All Uses.
 - i. Size. May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
 - ii. Maximum height determined by height of sign.
 - iii. Location/Number. Only allowed as part of permitted sign.
- 5. Pole Signs.
 - a. Church, School, Public/Semi-Public Facility.

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- i. Size. Maximum 48 square feet per sign face (up to 2 faces).
- ii. Maximum height 18 feet.
- iii. Location/Number. One sign may be located adjacent each street frontage.
- b. Minor Business Complex.
- i. Size. Maximum 100 square feet per sign face (up to 2 faces).
- ii. Maximum height 20 feet.
- iii. Location/Number. One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
- c. Major Business Complex.
- i. Size. Maximum 130 square feet per sign face (up to 2 faces).
- ii. Maximum height 26 feet.
- iii. Location/Number. One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
- d. All Other Uses.
- i. Size. Maximum 48 square feet per sign face (up to 2 faces).
- ii. Maximum height 18 feet.
- iii. Location/Number. One sign; except 1 sign may be located adjacent each collector or arterial street frontage.
6. Awning Sign and Canopy Sign.
- a. Use on Site—All Uses.
- i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
- (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
- (B) The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
- ii. Maximum Height. Shall not project above the roof line or parapet wall whichever is higher.
- iii. Location/Number. One sign per building frontage for each business license on file with the city at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.
7. Marquee Sign.

- a. Use on Site—All Uses.
 - i. Size. Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet. The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of the building elevation area allowed.
 - ii. Maximum Height. Shall not project more than 8 feet above the roofline or parapet wall, whichever is higher the blade/overhang portion of the sign may extend above the roof line or parapet wall.
 - iii. Location/Number. Outer edge of sign shall be setback a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.
8. Window Signs.
- a. Use on Site—All Other Uses.
 - i. Size. See Section 18.02.090(B).
 - ii. Maximum height determined by height of window.
 - iii. Location/Number. Only allowed in ground floor or 2nd floor windows.

Applicants Response: The project site is located in a Commercial District. All signs on the project site will comply with the guidelines and regulations as stated above

P. Signs in the Community Planning Area. In addition to the temporary and permanent signage allowed without permit in the Community Planning Area the following signage is allowed subject to a permit and fee.

Applicants Response: Not Applicable. The project site is not located in the Community Planning Area

Q. Signs in Industrial Districts. In addition to the temporary and permanent signage allowed without permit in the following industrial zones the following signage is allowed subject to permit and fee:

Applicants Response: Not Applicable. The project site is not located in an Industrial District

18.02.110 Permanent signs exempt from permit and fee.

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit or application is required:

- A. One sign not exceeding 1 square foot in area hung from a building.
- B. One sign not exceeding 2 square feet in area placed on any occupied residential lot.
- C. **Incidental Signs.** Not exceeding 6 square feet in area shall be allowed on any parcel that a multiple dwelling is constructed.
- D. **Public Signs.** For hospitals or emergency services, legal notices, railroad signs, and danger signs. Signs or tablets (including names of buildings, and the date of erection) when cut into any masonry surface, or constructed of bronze or other noncombustible surface not to exceed 8 square feet in area.

- E. **Athletic Field Signs.** Rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any 8 linear feet of fence. The maximum height shall not exceed 8 feet above grade. The signs shall be placed so as to be visible from the interior of the field and/or viewing stands. One sign located at 1 end of the field visible to spectators shall have a maximum height of 15 feet above grade and shall be a maximum of 64 square feet.
- F. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures such as soft drink machines, fuel pumps, and newspaper dispensers.
- G. No "solicitation" sign pursuant to size.
- H. Signs attached to or carried by a person limited to 6 square feet in total size.
- I. Flags as outlined in Chapter 21.30.

18.02.120 Regulation of temporary signs.

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit or application is required. Temporary signs are prohibited signs except as provided by this section.

- A. **Generally.**
 - 1. Illumination. No temporary sign shall be internally or externally illuminated.
 - 2. Location.
 - a. No temporary sign shall extend into or over the public right-of-way of any street.
 - b. Signs allowed in the right-of-way for temporary traffic control shall provide a minimum of 5 feet of clear passage of pedestrians on the sidewalk where a sidewalk exists and shall come no closer than 2 feet from areas subject to vehicular travel.
 - c. No temporary sign shall extend into the vision clearance area.
 - 3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - 4. Placement. Except as provided by this section, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
 - 5. Sign Collection and Retrieval.
 - a. The city may collect temporary signs placed in the public right-of-way without a permit.
 - b. Each sign collected will be stored for a minimum of 30 days.
 - c. Notice will be mailed within 3 business days of the date of collection to the owner of each sign if the ownership is reasonably discernible from the sign or as previously filed by the owner of the sign with the Planning Department.

- d. The owner of a sign may retrieve a sign collected by the city within 30 days of the collection date. The owner must present proof of ownership of the sign and pay a sign retrieval fee in the amount established by City Council resolution.
- e. The owner of the sign may request a hearing before the Planning Commission to contest the sign removal. To request a hearing, the owner of a sign must file an application for a hearing and pay a hearing fee in an amount established by resolution of the City Council within 15 days of the date of mailing of the notice as provided in subsection (A)(5)(c) above. The hearing fee and the sign retrieval fee are refunded if the Planning Commission finds that the sign was removed improperly. At the hearing, testimony and evidence begins with the city, followed by the owner, and concludes with rebuttal by the city. After the evidence has been provided, the Planning Commission will close testimony and issue a written decision that states the facts of the case and the conclusions of the decision.

B. Allowed Signage.

- 1. To any residential zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, etc. Signage shall be allowed for each lot as follows:
 - a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. One temporary sign not exceeding 6 square feet provided the sign is removed within 15 days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On tracts of land of more than 2 acres in residential zones the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
 - c. One temporary sign not exceeding 4 square feet in area which is erected for a maximum of 8 days in any calendar month and is removed by sunset on any day it is erected.
 - d. Temporary signs erected within a building which do not obstruct more than 10% of any individual window surface.
- 2. In any commercial or industrial zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate signs, political or ideological positions, construction or remodeling, etc. The signage shall be allowed for each lot as follows:
 - a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. Temporary sign not exceeding 32 square feet provided said signs are removed within 15 days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - c. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than 7 days prior to the event and must be removed within 2 days following the event. No more than 3 such events shall be advertised in this manner per lot per year.

- d. Temporary signs not exceeding 16 square feet in area erected in association with the temporary uses allowed by code including Christmas tree sales, pushcart vendors, Saturday market and sidewalk sales. This signage shall be allowed for the same duration as the temporary use.

Applicants Response: If temporary signs are needed then the temporary signs on the project site will comply with the guidelines and regulations as stated above

18.02.130 Temporary signs requiring a permit.

- A. The City Manager may allow temporary signs larger than those allowed by this code to be erected. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the erection of such signs only if the City Manager finds that the proposed sign will not materially impair the purposes of the Sign Code. Seasonal decorations erected within the public right-of-way shall be considered to be such signs. These signs shall meet all applicable City Code provisions. Lighting of such signs will be reviewed as part of the application and may be allowed depending on impact to surrounding development.
- B. The following requirements shall be met, as applicable:
 - 1. Written consent from the property owner where the sign will be located shall be provided. The consent shall identify any restrictions that the property owner requires of the permit holder. Banners hung from utility poles shall require written approval from Portland General Electric. Banners hung over a state highway will require written approval from the Oregon Department of Transportation.
 - 2. Plans or a description showing the location of the sign; banner height above the right-of-way; support devices for the banner; and proposed dates shall be provided.
 - 3. The display period shall not exceed 25 consecutive days in duration and no more than once in any 12-month period. All such signs shall be removed no later than 1 day following the event being advertised.
 - 4. A copy of any liability and/or property damage insurance required by the property owner where the sign or banner will be located.
 - 5. A signed rebate and indemnity agreement shall be provided if placing a banner over the public right-of-way.
 - 6. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
- C. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
- D. Any temporary sign that exceeds 6 square feet in size.

Applicants Response: If temporary signs are needed then a temporary sign permit will be obtained.

18.02.140 Signs requiring a permit.

- A. It is unlawful and a civil infraction for any person to erect, construct, alter or relocate any sign without first obtaining a permit pursuant to the provisions of this chapter unless a provision of this chapter specifically exempts a sign from the permit requirement.

- B. It is unlawful and a civil infraction for any person to construct a sign that is not specifically allowed by this chapter or to erect, construct, maintain or allow to exist a sign in violation of the terms of the permit issued pursuant to this chapter.

Applicants Response: If a permit is required to construct or install a particular sign then a permit will be obtained for that particular sign

18.02.150 Automobile service station sign standards.

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

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

Applicants Response: Not Applicable.

18.02.160 Signage on cars.

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

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

Applicants Response: Not Applicable.

18.02.170 Garage/household sales.

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

- A. Maximum area on 1 sign face is 6 square feet.
- B. Height of 3 square feet.
- C. On premises sign—One sign.
- D. Three off-premises A-frame signs.
- E. Placement no earlier than 8:00 a.m. on the first day and removal no later than 7:00 p.m. on the last day.
- F. Sign cannot create a traffic hazard, impede pedestrian passage or create a public nuisance.
- G. All garage sale signs shall include the address of the location of the garage sale.

- H. The city shall have available a reasonable supply of professional sale signs that can be rented by individuals. In addition, the city may secure a deposit to recover the cost of replacing the sign in the event of damage or loss.

Applicants Response: Not Applicable.

18.02.180 Nameplates.

Nameplates identifying the occupant of a residence are permitted outright when not exceeding 1 square foot in size.

Applicants Response: Not Applicable.

18.02.190 Open house signs/for sale signs.

- A. Additional temporary single or double-faced open house signs shall be permitted on private property during daylight hours provided such additional temporary signs are removed prior to sunset the day of placement. Such signs are permitted only on private property with the consent of the occupant. Units displaying an open house sign must remain unlocked during the time the sign is posted. An open house is to be attended by the seller or representative at all times during the open house. This section does not apply to model homes within subdivisions or model apartment units. An open house sign may not be displayed for the same address for more than 2 consecutive weekends.
- B. One temporary sign per frontage, not exceeding 6 square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 days of the sale, lease or rental of the lot/structure.

Applicants Response: Not Applicable.