



ODOT REVIEW OF CODE FROM MARCH 13, 2009

This staff report covers comments received by the City of Molalla from ODOT in a letter dated March 13, 2009. Staff has taken the comments word for word from their report and put into this format. The following represents the staff report to the Planning Commission. Staff comments and recommendations are made in ***Bold Italic*** print.

COMMENTS AND EXPLANATIONS

TITLE 17 LAND USE DISTRICTS

C-2 General Commercial: Recommend revising to: “Development provides for site access by automobile, as well as pedestrian, bicycle and transit.”

Staff recommends placing language in the C-2 purpose to address pedestrian, bicycle, and transit. Currently there is heavy language to address auto oriented commercial.

C-3 Highway Commercial: This zone description is very brief, could use more explanation.

C-3 Recommended language: Development is generally auto-oriented with adequate on-site parking for large commercial uses. Sites must provide pedestrian, bicycle and transit access. (Note: Parking on state highway arterials generally is not permitted.)

Staff recommends changes to the C-3 Highway Commercial Overlay zone to Title 17 as commented on above.

Recommend moving the paragraph “These districts are intended to...” to the beginning of the commercial zoning section. Otherwise it appears these goals apply only to the C3 overlay zone.

Staff recommends moving this paragraph to the top of the commercial section in Title 17. There was confusion with this code since the location it was in made it sound as if these districts referred to the Employment Zone only however the intent was to provide this as an overview of all the districts. By moving it to this location it clears up any confusion that a reader may have.

Drive up uses: Recommend that drive up uses not be allowed in the C-1 district, as they are incompatible with the pedestrian-oriented downtown.

Staff believes these types of comments deserve a lot of discussion and therefore staff will attempt to provide discussion topics on this matter. Staff struggled for a long time on how to best address this issue. Below is discussion from staff on issues we feel can be made on both sides along with a pros and cons list.

Pros

- 1. This is another business niche that will help the CBD continue by generating business activity.*
- 2. Allows for additional commercial types of businesses.*

Cons

- 1. Filling a business niche to only address an immediate need for economic investment in the CBD may have negative repercussions down the road by affecting development patterns.*
- 2. Allows for commercial uses that are not pedestrian oriented thereby undercutting a key development goal to promote.*
- 3. A walkable downtown.*

Staff has researched other comparable communities in the area and finds the following: Silverton's downtown drive-throughs are allowed but they have to go through a conditional use process while Canby does not allow new drive-throughs in the downtown.

Silverton has a multitude of drive-through banks and similar type businesses in its downtown. Canby on the other hand has a large amount of commercial space available adjacent to the downtown with a major highway (Highway 99E) to address the drive-through demands. However a couple of banks can be found in the downtown area that have drive-throughs but have also been there for a long period of time.

Silverton has a historic downtown that was identified and began modeling in the 80's. The preservation to maintain these historic buildings is beyond where the City of Molalla currently is with any building inventory for historical purposes. We also do not have a downtown like Canby's. While one thing is similar that the larger commercial developments have appeared to occur at both ends of the community leaving the downtown in the middle section they are very close in relationship to where downtown sits and where Highway 99E is positioned. Molalla, while having some similarities to Canby and Silver, has different commercial opportunities and constraints.

It is clear from review all of the documents that the City currently has with regards to the CBD that the downtown is to take advantage of unique “mom and pop” type businesses which should enhance walkability in the downtown area. As stated earlier drive-through uses do not achieve this. However an all-out prohibition on these types of businesses may not be the best solution for the CBD either. Therefore staff concludes that allowing a drive-through as a conditional use would be the most appropriate way to address this question. To facilitate decision-making, it would be advisable for the Planning Commission to develop some drive-through requirements or criteria to ensure that the walkability aspect that is so important to downtown is maintained while allowing for a range of development options to exist.

Provided to you at the hearing or prior to the hearing is a copy of Silverton’ requirements on drive-through uses. This is a good list of criteri to work from in addressing the needs of Molalla.

Gas stations/fueling stations: This use should be added to the section. Recommend they be prohibited in the C-1 and EZ district.

Staff has reviewed this comment from ODOT and determines that gas stations are not the best use in the CBD. They are compatible with a walkable, pedestrian-scale downtown. Staff also looked at the fact that both ends of Molalla approximately $\frac{3}{4}$ of a mile from the center allow for the C-2 and highway overlay zone which allow gas stations. The fact that there are gas station options close by to all homes within the City of Molalla provides adequate options for gas stations. There are three gas stations within the downtown. Only one of the gas stations is currently in operation at this time. Changing this use to not being allowed in the downtown would preclude the two existing nonoperational gas stations from returning to that use and would mean the operational gas station would become a non-conforming use. On the other hand the two non-operating gas stations at this time are not equipped as far as staff is aware with new tank requirements which would allow them to start pumping gas again without major improvements being made. The existing operating gas station has recently (last couple of years) become a mini-mart/gas station maximizing the use of the parcel. Staff would recommend not allowing future gas stations and making those existing gas stations as of date of adoption of this new code a non-conforming use.

Vehicle sales: Outdoor vehicle sales are incompatible with the downtown environment. Recommend they either be prohibited in the C-1 and EZ zones, or restricted to “wholly within enclosed building”.

Molalla has seen a reduction in auto dealerships due to the market recently leaving one remaining dealership in the CBD. There are concerns that the CBD can establish an identity with uses such as dealerships located in its core. Staff believes that dealerships in the downtown are not ideal as they do not address the demands that should be placed on a CBD such as walker friendly areas. Staff recommends making this difficult decision to disallow auto dealerships in the downtown. The existing car dealership would become a non-conforming use, so expansion would be consistent with your non-conforming use standards that you will be reviewing in upcoming hearings.

Residential uses: Recommend that medium to high density residential uses be allowed outright in the downtown zone, rather than any conditional uses.

This is an issue that was discussed with ODOT representative Sonya Kazen as well as DLCD representative Jennifer Donnelly. Up to now, Molalla has not allowed for residential development to be mixed with commercial development. We have now created a conditional use process for the mixed use idea since we wanted to be able to monitor the development potential of residential in the downtown. While requiring a conditional use permit may slow the pace of residential development downtown, it will ensure that appropriate and compatible residential uses contribute to the long term success of the CBD.

In a meeting that took place early in April 2009 with DLCD Representative Jennifer Donnelly there was an agreement that a conditional use for a short period of time (maybe 5 years) which would allow the city to view how residences would be developed in the downtown. Improper development of residential uses will impact the city negatively for years to come and prolong the attempts to make downtown a safe and viable place to work, play and live.

Staff is recommending that dealing with an issue this important should require a conditional use for a “test period” to ensure adequate residential living is created. There are certainly many options available for the commission. One suggestion is requiring the residential use to be owner occupied which has yet to be determined on whether that is legally allowable or not.

It is recommended the city consider adding square footage limitations per site for retail uses in the various commercial zones. For example, retail uses in buildings larger than 20,000 are not compatible in downtown. Also, establish a square foot maximum building size plus a percentage of commercial use per site for the EZ zone, consistent with the intent of the Employment Zone.

This discussion on limitation has been taking place for some time. On several occasions over the past few years the Planning Commission has reviewed size limitations and has gone from using them to not using them. At one time there was a size limitation of 35,000 square feet. This limitation was highly disputed by the businesses community. While I can certainly understand the request from the state to limit retail building size for compatibility reasons the question becomes how feasible would be to do at this time.

CBD – This district has several buildings which are connected by common walls. The only buildings within the CBD that seem to be larger than 20,000 square feet are churches. While there are often concerns of the larger churches in downtowns one benefit that the way churches are laid out in Molalla is that they bring a large amount of people into an otherwise low traffic area. By limiting church sizes in this zone many churches would move out to other areas of the community or even worse move into protected farmlands by following RLUPA (Religious Land Use and Institutionalized Persons Act). Not to get off track with discussion but having these types of uses in the rural (outside the city) portion of the City there will be traffic impacts that cannot be mitigated by the City but affect the City. There also is the concern that valuable farmland would be used to address urban needs. To continue with the CBD the issue over limiting uses is not one to be taken lightly. Staff would recommend using stronger architectural details than by limiting the size of buildings in the downtown. Parking issues could be addressed through the standard discussed below, however large “mega churches” can create large traffic impacts that may impact areas.

There is one other issue that should be addressed with large buildings in any zone. For the downtown the larger the building footprint the larger the parking lot. In many cases the issue is not necessarily the building footprint size but the parking lot size that accompanies the building. For the CBD it would be staff's recommendation to require that any building that occupies more than 20,000 square feet shall provide underground or structured parking. This will reduce the amount of parking impact to the CBD which can greatly alter your community.

In the C-2 (General Commercial) and C-3 (Highway Overlay Zone) staff suggests as has many previous discussions with the Planning Commission that larger format retail is a necessity to the zones. TEAM also weighed in requesting that large format (greater than 35,000 square feet) buildings be allowed outright. The Planning Commission discussed several issues with this over the years because of the unsightly design of many of the

larger big-box buildings that often are placed in communities. To address this the Planning Commission added standards to buildings over a certain size. After review of the model code and the Planning Commission code the same goal would be achieved by using a simpler model code version of what the Planning Commission had requested. One addition to the model code was the requirement for underground structured parking in the CBD for single developments larger than 20,000 square feet. Added to title 17.3.170 the following:

“Where building with greater than 20,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting); and/or similar features as generally shown in figure 17.3.170(D). Figure 17.3.170(D) should not be interpreted as a required architectural style.

In the CBD developments larger than 20,000 square feet will be required to provide underground or structured parking.”

In the employment zone staff recommends the same as shown above in the C-2 and C-3 zones listed above. The question in the employment zone is how much commercial should we have designated in an employment zones. The purpose of an employment zone is to create employment. The code currently allows for 35% of the employment zone area to be developed as commercial. There is a concern by the state with allowing this which holds a great deal of merit.

We currently have three zones set aside for commercial uses. The purpose of those commercial uses is to satisfy the commercial needs of the community. By setting aside what could end up as a large portion of the employment zone with commercial uses you may be impacting the other commercial zones negatively. Many of the areas that staff reviewed such as Portland and Oregon City that have Employment Zones/Campus Industrial District do not allow for commercial uses. Other cities such as Beaverton allow some commercial retail uses on a limited basis, such as delis. Employment zones ideally should be located in the vicinity of a commercial district to ensure adequate commercial services to serve the employment zone.

Staff therefore would propose eliminating or substantially limiting commercial uses in the employment zone. Allowing small food courts, daycare centers, and similar type uses would be appropriate as they would serve the immediate needs of employees in the immediate area. Staff has/or will make recommended changes to Title 17 of the

Development code to address the employment zone. Staff recommended changes to address building size have been placed in this report for review. Also staff would concur with moving the employment zone to the industrial section is better suited for the type of use it actually is.

In conclusion staff would concur with the ODOT and DLCD (as they have made similar comments) with minor modifications to their statements as have been laid out in this discussion.

17.3.120 Please stipulate whether the lot coverage is a minimum or maximum. Recommend including a maximum as well as minimum front setback, as the front setback helps to define the streetscape. The maximum building setback for downtown should be 5' unless a plaza is constructed between the building and the sidewalk. Recommend that maximum setbacks for the other commercial zones be created with a maximum XXXX feet. This will support the development of building closer to the street and enhance pedestrian and transit access.

Staff has reviewed the comments and has made the change to show the lot coverages as maximums.

Staff would concur with ODOT comments regarding minimum and maximum setbacks to ensure a defined streetscape occurs in the commercial zones. I think this is important to achieve on main streets for industrial as well and definitely is critical in residential zones. I will make the recommended changes to the setbacks upon completing the new layout for the zones which will be addressed in future staff reports.

Setbacks along arterials: The draft states "See TSP", but the TSP does not define minimum or maximum building setbacks, rather it shows the ultimate minimum cross sections required for roadways. Recommend deleting the reference for "Arterials" and adding the following to apply for all setbacks along street frontages:

Setbacks along street frontages shall provide for the ultimate planned street cross-section identified in the City Transportation System Plan, Table 13 Street Design Standards Summary, plus the minimum building setback required in this code.

Staff would concur with this comment and recommends a change to Title 17 from tables to individual layouts. The staff report will follow the setback minimums and maximums and describe the requirement that those are from the cross-sections not the current property line.

17.3.180 Pedestrian Amenities: The applicability of this section to each of the commercial zoning districts needs to be clearly stated. It appears the section is written so that a development could choose to implement only one or a few of these requirements. However, many of the requirements should be made for all commercial development including items 1-3 (lighting) and 8 (Accessways).

The issues raised by ODOT were definitely correct and were the result of misplaced wording in Title 17.3.180. The staff recommendation in Title 17 changes the language to that listed below:

“Standards. New developments and major remodels in the Central Business District and other developments subject to the provisions of this section shall provide the following:

- 1. Lighting shall be provided:***
 - a. Along all walkways and bicycle ways and must be lit to a level where employees, residents, customers or the public can adequately see to a minimum 3 foot-candle and designed for the system at night.***
 - 2. Use cut-off lenses or hoods to prevent glare and light spill-off from a project site onto adjacent properties, buildings, and roadways.***
 - 3. All new portions of commercial and industrial property shall be lit to a standard sufficient to afford police and other emergency services full vision of the site.***
 - 4. Accessways shall be included to:***
 - a. Connect with existing or approved accessways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.***
 - b. Provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.***
 - c. Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.***
- 5. And one or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 17.3.180(B). Pedestrian amenities may be provided within a building frontage, or plaza, or within the pedestrian through area, as shown in Figure 17.3.180(B). Use of the public right-of-way requires approval by the roadway authority:***
 - a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);***
 - b. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrances and sidewalk) with a minimum of 16 inches in height and 30 inches in width;***
 - c. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);***
 - d. Public art that incorporates seating (e.g., fountain, sculpture).”***

Items 1-4 address enhancements that are necessary while 5 provides a list of options of which one is required.

Chapter 17.4 Industrial Uses

It is not clear why major entertainment and drive-in theatres are not listed as CU in the M-1 zone. These seem more compatible with the M-1 zone than M-2.

The current code does not allow these types of uses because currently the M-1 zone has residential dwellings in close proximity to them. Major entertainment and drive-in theatres usually have a very heavy impact to residential uses. Staff recommends maintaining the language as written in order to preserve the quality of the neighborhoods in which M-1 currently lies. If the Planning Commission chooses to allow this type of use staff would recommend eliminating many of the current M-1 zones to ensure that the types of uses listed here will not be able to be developed in these neighborhoods.

17.5.100 The Support Commercial overlay zone does not appear to solve the problem of existing M-2 zoned parcels that are too small for heavy industrial development. In fact, allowing 50% of commercial development on these sites would only further reduce their capacity for industrial development. The City should consider dropping this over-lay zoning category, and evaluating potential plan map change, possibly to EZ, M-1 or C-2 zoning depending on their location and the City's buildable land needs.

Staff concurs with the assessment that the limitation on commercial use for this overlay would limit the intent of creating the zone. For that reason staff is recommending eliminating this criteria from the code to ensure full use of the zone.

The purpose of the Support Commercial zone is to address the lack of development potential for the small parcels along highway and 213 in the heavy industrial zone. These lots are anywhere from $\frac{1}{4}$ to $\frac{3}{4}$ of an acre most of which could not provide for adequate space for a building, parking, and meet the requirements of setbacks and other obligations under the heavy industrial zone. For this reason staff believes that the Support Commercial zone is the best use and provides for the best opportunity for development of this area.

On a related note, supportive commercial uses, for example a sit down restaurant, on-site daycare or dry cleaners may be warranted within the M-1 zone, as these could help to reduce the driving required of employees to reach support services during the day. The City might consider adding “Restaurants (sit down)” and “Retail”, and “Day-Care” to the M-1 zone use categories as Conditional Uses with maximum sizes for buildings (recommend 10,000 s.f. cap) as well as percentage of the site (recommend maximum 25% of site) restrictions, along with stipulations that the commercial development must be “supportive of industrial activities.”

Staff feels that based on the current locations and distances from commercial that our M-1 zones are located allowing for these types of uses would take away from the dedicated commercial zones and thereby reducing development potential in those commercial zones. Based on the current zoning all M-1 zones would be readily accessible to commercial zones. In the event future M-1 zoning changes occur that are out of the way of commercial zones the Planning Commission should consider allowing such uses. If the Planning Commission does decided to procede with allowing the uses commented on by ODOT then staff would recommend that the Planning Commission use some type of conditional use process that would ensure capping of size and area for commercial uses in these industrial zones.

17.5.220 The first paragraph incorrectly refers to the M-12 zoning district. Also, can the City legally require development to provide “at least 50 employees”?

Staff has made the correction to the M-12 zone changing it to the M-2 zone. Staff will consult with the City attorney on the requirement for 50 employees. This use came as a result of the City bringing in a large scale sight that could only be used for a large scale user. You may remember the discussions early in the hearings process from Big Meadows on the area across from Big Meadows. This is a section that we identified in early plans as a spot for Large Lot Industrial.

17.5.320 Recommend that “recreational vehicle camping parks” be moved to the Conditional Use category due to their potential off-site impacts.

Staff concurs with this recommendation from ODOT and has made the change in staff's recommendations in Title 17.

TITLE 18 COMMUNITY DESIGN STANDARDS

18.2.0.0 Applicability

A. General Regulations – All of these requires apply to parking and loading, and would better suited under Chapter 18.3. Also recommend adding language regarding property owner’s responsibility along property street frontage to maintain sidewalks and plantings behind the curb.

Staff’s recommendations are to move this section to 18.3.300 since it is better suited in the parking standards section.

B. Minor Projects – Conditional use reviews are by their nature not “minor” projects, because they assess the feasibility and suitability of developing sites with uses not automatically permitted under the zone. The adequacy of public facilities is a major consideration in conditional use review. It is strongly recommended that Conditional Use review be designated as Major Projects.

Staff concurs with ODOT that a Conditional Use is not by its nature a “Minor Project”.

It is not clear what it means by the Land Use Review category here---building permits only?

Staff recommends leaving this language as it is. This section of the code is model language and would be better left here. Due to the complexity of what a land use review is there is a brief definition listed in Title 16. Once you go to Title 16 it refers you to 19.2.200(A) which details what constitutes a land use review and when that is pushed over to a site design review.

18.1 Access and Circulation

Recommend that the Purpose be expanded to “... ensure adequate and safe access and circulation for vehicles, pedestrians, *bicycles and access to transit.*”

Staff recommendations in Title 18 include the following language:

“18.1.100 PURPOSE

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Ensure adequate and safe access and circulation for vehicles, pedestrians, bicycles and access to transit. Section 18.1.200 provides standards for vehicular access and circulation. Section 18.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 18.4.100.”

18.1.200 Access Permit Required – Please add the following to ensure that applicants (and city staff) are aware of ODOT’s authority to manage access to all state highways. *Access to state highways within the City of Molalla is regulated by Oregon Dept. of Transportation through OAR 734.51. ODOT may require specific improvements consistent with state standards, as conditions of approval for a highway approach.*

Staff recommendation to 18.1.200(C) added this language on the end.

18.3 Parking and Loading

18.3.200 Applicability states the section only applies when there is Site Design review, however, the parking standards apply to residential land use reviews that do not need to undergo site design review.

Staff concurs with ODOT’s assessment of this reading and has changed the language to read: “All developments shall comply with the provisions of this Chapter.”

18.3.300 A. Vehicle Parking -- Only minimum parking standards are presented. The City should consider creating *maximum* parking standards, particularly in the C-1 downtown zoning district. Excessive parking is a disincentive for pedestrian and transit use. Reducing the size of surface parking lots can result in more land available within the City for buildings and other site amenities such as plazas or landscaping, thereby enhancing community livability and the environment as well as reducing stormwater runoff and pollution.

Staff agrees with the ODOT’s concern. While as a community Molalla has not seen an over abundance of parking in the CBD it is possible that future development may provide too much parking. For this reason staff would like to further investigate other similar size communities to see what they have done with maximum parking standards in the downtown. Upon more research staff will present the Planning Commission with options that may be acceptable to be put into the code to address maximum parking requirements.

B. Accessible Vehicle Parking – This section appears to include items for accessible (i.e. parking to address American with Disability Acts standards) and other general parking requirements. Items 6 and 7 appear more relevant to section A.

Staff concurs with ODOT’s assessment and has made the recommended changes by moving item 6 and 7 under section A of 18.3.300.

G. Connectivity – The text of this section appears to refer to street and path connectivity, and does not address connectivity to parking areas. The text should either be modified or the section moved to 18.4.100 Transportation Standards

Staff concurs with ODOT's assessment and has made the recommended changes by moving this section to 18.4.100.

18.4.100 Transportation Standards

C. Street Access – This section requires two accesses to a “collector” level street for residential developments with 25 units or greater. The rationale for this is unclear, particularly in the case of multi-family dwellings that may be located on an acre or less. Recommend the text be revised to “require two accesses to a *public* level street for residential developments with 25 units or greater.” This would provide more opportunities for development, which could access local, collector or arterial classified roadways.

Staff first thought that a change would be necessary but after review and reading the language it states that access must be by means of a collector. It does not state directly onto a collector. Because collectors have feeds to other streets throughout the system it is important to ensure access to such a street. If staff were to eliminate the reference to collector and say street we would end up with an argument that a street which dead ends and ultimately does not provide for 2 ways in and out of a subdivision would meet this code. By maintaining collector in this language it will require streets connecting to a network of streets whereby a collector would be reached and another route for emergency services would be available. The purpose of this code is to ensure when an accident or a busted water main even disrupts the ability for traffic to flow in one direction where there are a fair number of residences (25 in this case) then there would be a secondary means of ingress/egress to the area.

F. Streets – Existing – Recommend the right of way dedication requirement also apply to land *partitions*, not just subdivisions.

Staff has made a recommendation to 18.4.100(F) adding partition and development to this section to ensure adequate right-of-way dedication.

I. Minimum Rights of Way and Street Sections – Recommend adding the following section: *J. To accommodate transportation project identified in the TSP, or as necessary to construct development traffic mitigation project.*

Staff has reviewed the comments and feels that these comments are truly more appropriate for the Comprehensive Plan as they discuss funding. After reviewing the Comprehensive Plan this language is already part of the policies. Since we have a TSP we are able to resort to the TSP when directing certain developments.

There are inconsistencies between Table 18.4.100(f), the proposed TSP amendments Figure 13 and 20, and the *Molalla Downtown/OR 211 Streetscape Plan* which will need to be resolved prior to adoption.

Staff has addressed these concerns previously in this report regarding the change to cross-sections for Molalla's street networks.

R. Traffic Signals and Traffic Calming – Recommend that *roadway canalization (left or right turn lanes)* be added as potential traffic mitigation in this section.

Staff made recommendations to 18.4.100(S) to address needs of left or right turn lanes. Staff also feels there is adequate language and support in Molalla's TSP to address this issue as well however having this code would put potential developer's on notice of such a need. The following is the language used added which is number 4 under this section: "Roadway canalization (left or right turn lanes) shall be required when such canalization meets warrants as prescribed by ODOT and/or the Molalla Transportation Systems Plan."

18.4.250 Lot Standards, 9. Lot Access – The proposed language in this section would be difficult to administer. Also, the purpose of the regulation is to address City and ODOT minimum access management spacing standards yet there is no reference to the standards. Please note, OAR 734.51 regulates access to state highways.

Proposed revised text: *"City may require the establishment of reciprocal cross-over easements on existing lots at the time of development in cases where the lot frontage on an arterial roadway does not meet the minimum City or ODOT access management spacing standard. Newly created lots on arterial roadways must be designed to access local or collector streets, rather than arterial roads, where feasible."*

Staff has made recommendations to 18.4.250(A.9). The recommended changes allow the city the ability to ensure reduced access points onto the highway while cleaning up language that could be confusing as it was previously written. Staff also removed a duplicate of sub (a) under 9. The language reads as follows:

The city may require the establishment of reciprocal cross-over easements on existing lots at the time of development in cases where the lot frontage on arterial roadways does not meet the minimum City or ODOT access management spacing standard.

Newly created lots on arterial roadways must be designed to access local or collector streets, rather than arterial roads, where feasible. All lots located along Highway 211 and Highway 213 that take access onto the Highway shall be required to provide cross-over easements to allow for reduced access points along the highway. Such cross-over requirements shall include each adjacent property where access could be gained to the highway.

The City planning department shall maintain an overlay map of where recorded easements exist for review.

18.4.360. B. Mailboxes – Mailboxes may not be placed within ODOT highway right of way.

Staff concurs with ODOT's comments and has made a recommendation to 18.4.360 of the Development Code adding to the end of (B) the following: "Mailboxes may not be placed within ODOT right-of-way".

D. Large Lot Subdivision – Relocate to 18.4.100 Transportation

Staff believes that this actually deals with an issue that is outside the scope of streets in general because it is tied to large lot subdivisions. For that reason staff would recommend leaving this criteria where it currently is to best fit within the code.

E. Building Lines – Relocate to 18.4.250.A.7 Building Setback Lines

Staff concurs with ODOT's assessment and recommends moving this criteria under the same number (7) just making it the last sentence of number 7.

18.8.120 – A. Permit Required -- Recommended addition: *No signs shall be placed in the OR 213 or OR 211 right of way unless permitted by ODOT.*

Staff recommends adding the following language to ensure development in any public right-of-way shall receive permission prior to sign application: "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."

19.1.910 – Traffic Studies, B. – Recommend the following revised language: *For development proposing access to, or impacting a state highway, ODOT must provide traffic study scope and methodology for evaluation of highway operations.*

OAR 734.51 is ODOT’s access management rule, which provides the protocols for ODOT approach permit review.

Staff recommends adding this language to then end of 19.1.910(B) as stated by ODOT here.

19.2.600 Site Design Approval Criteria

19.3.230 Land Division General Approval Criteria

19.4.400 Conditional Use Criteria, Standards and Conditions of Approval

While the proposed Chapter 19.1.910 includes provisions to require traffic studies, the related code in Chapter 18 and the approval criteria in Chapter 19.2.600, 19.3.230 and 19.4.400 do not establish (or refer to established) mobility and safety standards (in the City TSP and Oregon Highway Plan); nor do they set clear and objective approval criteria and guidelines to ensure that required mitigation would be roughly proportionate to the site impacts. This will make it difficult for the City, even if a traffic study were to indicate the need for mitigation to address site-generated traffic, to impose reasonable and proportionate conditions of approval to require development to provide roadway improvements, or proportionate contributions to roadway improvements, to mitigate mobility and safety impacts.

The proposed Chapter 19.7.600 *Transportation Planning Rule* only addressing roadway standards and approval criteria for comprehensive plan amendments (including comprehensive plan text or map, or zoning map). Additional language is necessary to address the transportation impacts of other land use actions.

Staff concurs with ODOT that there are items that have not been addressed. Staff is recommending references to sections of the comprehensive plan and would like to set this comment aside for a future hearing to present additional information to the Planning Commission after staff has had time to further review this comment with ODOT.