

Molalla Planning Department

117 N. Molalla Ave. - P.O. Box 248
Molalla, OR 97038
Phone: 503-829-7526 Fax: 503-829-6872
www.molallaplanning.com



TEAM COMMENTS ON FILE CA 2008-2

Over the past year TEAM has prepared and made several comments on the proposed Comprehensive Plan, Development Code, and supporting documents including the Downtown Master Plan and Parks and Recreation Master Plan. Changes noted are in version 5 and can be found on our website at www.molallaplanning.com.

COMMENTS AND EXPLANATIONS

General

1. How is the word distinctive defined?
 - ***Dictionary.com's definition is "having a special quality, style, attractiveness, etc.; notable". The review body making the decision will need to determine if this style or quality is different enough from the neighboring entries to ensure its uniqueness.***
2. Is the City Council supposed to approve all the other plans prior to approving the downtown master plan?
 - ***The City Council will need to complete the plans either together or sequentially, with the Comprehensive Plan and Development Code preceding the Downtown Master Plan (which implements the comprehensive plan). The Development Code enforces the requirements of the Downtown Plan. The Transportation Systems Plan will also be amended to meet the new cross section requirements.***
3. There are several areas where it states that the Planning Director may waive or require criteria. Is there a way to broaden that?
 - ***The revised code is much more precise and addresses many of these concerns. There will be many areas where the hearings body or decision maker has options available in order to be as flexible as possible. Not providing flexibility would end up harming the applicant much more than helping.***
4. Is there a place where the time frame for review is spelled out?
 - ***Title 19 spells out the procedures and time lines for all land use reviews.***
5. How do you get a 1/2 story?
 - ***A 1/2 story is achieved by placing a portion of the building underground.***
6. Is there a requirement for a recycling space?
 - ***Businesses are required to recycle by city ordinance. The code requires all recycling and garbage to be maintained in a contained area.***

7. Can you define B&B and Motel.
- ***Bed & Breakfast Inn Defined: Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures that:***
 - o *Has more than two rooms for rent on a daily basis to the public, and*
 - o *Offers a breakfast meal as part of the cost of the room*
 - ***Motel Defined: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for overnight or other short-term rental.***
8. Is it clear when a dwelling is for occupancy by the elderly or disabled?
- ***Definitions under Residential Types address how we define different types of age and disability housing.***
9. When does the Planning Director make other requirements known?
- ***Staff will attempt to make all information available in the quickest time frame. Preapplication reviews are meant to identify pertinent requirements and conditions even before an application is submitted for formal review. However, it may be impossible to identify all requirements until a review of the plans in detail has taken place.***
10. What is the theme for downtown?
- ***One thing that TEAM and the Planning Commission will need to address after the completion of these plans is a design theme for downtown. The two groups will need to work together to discuss what options and design characteristics are desired.***

Employment Zone

11. Why limit the amount of commercial activity to 35% of the area in an employment zone?
- ***Employment zones allow for a mix of commercial and industrial uses. After discussion with the State of Oregon they are requesting that we do not allow commercial uses at all in the employment zone and leave it strictly for medical offices and light industrial uses. The Planning Commission will make a determination on this issue. If they choose to continue to allow commercial we can re-word the language to say that up to 35% of the area can be used for commercial uses leaving a minimum of 65% for light industrial, office, and professional services.***
 - - o ***Pros – Allowing for commercial provides another option of development in a rather large site.***
 - o ***Cons – Allowing for commercial in these types of developments can undercut the intended use of the zone as well as diminish commercial uses in the Central Business District.***

12. What is the point of the employment zone?
- ***The employment zone provides a high density employment area ideal for areas with potential contamination on the land since an employment zone would allow capping a large area and provide a great deal of pedestrian plaza space.***
13. Schools, churches and medical centers probably will not work in an employment zone.
- ***Colleges often locate in employment zones along with medical facilities. It is less often that you see a church or K-12 schools.***

Commercial Zones

14. In the C-3 zone do we really want a front setback of 80 feet?
- ***This was an oversight on a previous code. This language has since been removed since it contradicts our desires to build towards the road.***
15. Will the City allow or not allow outdoor eating areas?
- ***The city will encourage outdoor activities but they must not interfere with walkways and circulation.***
16. Commercial criteria should be separate from industrial criteria?
- ***The proposed language separates commercial and industrial criteria into their own sections. See Title 17 for a view of how this occurred.***
17. Is it ideal for a doctor's office to have windows all the way around a building?
- ***That is a good question and there are other architectural features that could be presented and a case made to the hearings body. I will provide this question to the Planning Commission and how they want to handle it in the upcoming hearings.***

Residential Zones

18. In a residential zone if you have a 1 story shed and your neighbor puts in a 2 story shed can you put in a 2 story shed?
- ***An accessory structure must be based on the primary structure of the site not a neighboring site.***
19. Why don't we require a homeowners association?
- ***Homeowner's associations are contracts between two parties--the developer and the homeowner. Cities are unable to create code which regulates any part of these associations.***

Industrial Sites

20. Why is minimum lot size 21,780 square feet (1/2 acre)?
- ***Industrial sites need space in order to develop. We currently have several heavy industrial sites in town that have a very difficult time finding any interest because they are so small. We have had to make new allowances for these properties in this code just to ensure their ability to develop. This number is ½ acre which is common for most communities.***
21. What if an existing lot is not that ½ acre size does it remain undevelopable?
- ***A lot as of the date of adoption of this title that exists is called a legal lot of record which means it is legally buildable even if it is less than the minimum lot size. This code would not allow lots to be split below this number on or after the effective date of adoption of the proposed code. This code does allow for lot size exceptions if warranted.***
22. Would ground floor windows be required for industrial as well?
- ***Pursuant to the new code requirements they would not be required to provide ground floor windows except where warranted by building and/or fire code and office area.***
23. Screening requirement (fence) for all industrial is going to be an issue.
- ***Certain elements of screening shall be required. The new proposed code gives some flexibility to the hearings body to determine what adjacent uses are and appropriate buffering treatments.***

Design Elements

24. Ground floor windows plan seems a little vague and pejorative.
- ***The Planning Commission removed this language; however there is still language that talks about bland walls and commercial activities inside a building being visible from the outside. This will mean that there will need to be windows. This was further bolstered by some recent developments that did not provide windows and have been the source of many complaints in the community.***
 - ***Further discussions will need to be made by TEAM and the Planning Commission in the future to address ways to ensure windows are dressed up and lively when not providing for a commercial activity within the building.***
25. Language requiring windows on all new commercial development in order to have a commercial activity would eliminate the use I have since we do not have windows.
- ***The code requires windows to be dispersed throughout the building. However this requirement would not mean that an existing building today would be required to install windows; that building would be grandfathered until a change of use occurred at which time the change of use would review the need of whether windows would or would not be required.***

26. Why have a theme?
- *Pursuant to both the Downtown Master Plan and Marketek study a theme is critical for a community to establish an identity to build from. Recreation allows the city to take advantage of opportunities that already exist throughout the area. The recreation theme has been identified in every report that has been done in the City over the past several years, including the Marketek study, Downtown Master Plan, and the Comprehensive Plan. However, for the downtown commercial area, it would be advisable to establish a design theme or style to create a harmonious, distinctive appearance, as so many other smaller cities, such as Canby and Silverton, have done.*
27. High building coverage is not consistent with landscape requirements since 15% landscaping requirements are made. This would leave too much discretion to the Planning Director.
- *We have reduced the amount of landscaping required in the Central Business District to 5 percent, which is 15 percent less than most other zones.*
28. What is the problem with tinted windows?
- *The concern was that no tinting at all of windows would allow too much light to enter into the building causing glare and heat problems during the summer months. For this reason we needed to identify a tinting method that would achieve tinting of windows but not block out the view of the commercial actions within the building. Staff found that it would be easiest to implement using the Oregon Vehicle Code 2005-2006 edition which states: "The total light transmittance through the window with the tinting material applied shall not be 35 percent or more."*
29. If you do not allow outside storage then what about products at Bi-Mart, True Value, Molalla Landscape, etc...
- *The new proposed code allows for outside sales, however it does not allow for storage and/or blocking of pedestrian ways.*
30. What is the interpretation procedure for the color palette?
- *Any individual can request an interpretation of a color. This interpretation will be reviewed by the Planning Director and further reviewed by a public hearing body if the applicant appeals the Planning Director's interpretation. A detailed interpretation procedure is spelled out in Title 19 of the proposed code. To ensure that interpretations are consistent the Planning Commission created a Title 22 which will hold all interpretations and map changes to ensure that all interpretations become part of the code for decisions to be based upon.*
31. When the color palette is approved will all businesses be required to comply and paint their buildings at that time?
- *A person would have to come into compliance with the color palette at such time the building was painted. When a person has a use that is affected as a result of code amendments (land use) then the individual is "Grandfathered" which means they can continue using the premises and operations as they did prior to the code going into effect until such time a change is made to the building and/or use, requiring it to come into compliance.*

32. Is a permit required to paint a business building?
- *A permit is not required.*
33. Concerned about making colored concrete unique for an area but letting one developer determine that. This could create inconsistencies throughout the community.
- *The Planning Commission removed this requirement. The Planning Commission will request to meet with TEAM at a date in the future to come up with a detailed plan that can be implemented which creates uniformity throughout the area.*

Automotive and Bicycle Parking

34. What is the “satisfactory legal evidence” when talking about joint use?
- *We have changed this language to state that a joint (shared) use shall be evidenced by a recorded deed.*
35. The U.K. definition of a bollard makes it sound like a post sticking straight up in the air. Is that what we want throughout our parking lots?
- *As defined in Title 16 (Definitions Section) “one of a series of posts preventing entrance of vehicles”. This could be the flat bollards or a curb extension. There are several ways to ensure this is met.*
36. Why is there a fee being proposed for parking?
- *After review of the options provided to the City by professionals dealing with parking we decided that the only option other than requiring parking was to require payment in lieu of those parking spots. The downtown master plan also makes this recommendation. If you develop a parcel that requires 10 parking spots and you only provide 7 then you have created a deficit of 3 parking spaces. Those parking spaces have to be built somewhere to address the parking demands of a commercial center. By charging a fee that is appropriate to the costs then the City will have a source of revenue to insure that parking will exist at some point to address those needs. Monies raised from parking in lieu of money will be spent to increase parking through purchase of land, creation of parking spots, and directional signage to existing parking.*
37. How does parking look like recreation?
- *References such as this were removed in the new code. The code now speaks of how we will ensure and continue a recreation theme even in parking lots which is to include adequate landscaping.*
38. You are requiring too many trees and vegetation for a parking lot.
- *We have changed the amount of vegetation required for parking lots. The code requires parking lots of 25 or more parking spaces to provide a minimum of 20 percent of landscaping for the total surface of the parking area. Trees shall be evenly distributed throughout the parking lot. On average one tree per 5 parking spaces shall be planted to create partial canopies of the parking areas. Parking areas must be broken up by landscape islands so there are no more than 10 contiguous parking spaces. Parking area landscapes shall be not less than 24 square feet of area, or not less than 4 feet wide by 6*

feet in length. Landscaping must be protected by wheel stops or curbing, or be of sufficient width to prevent damage to plants by overhanging vehicles. There shall be a minimum of 3 shrubs and one tree per landscape area. For complete requirements see page 20 of Title 18.

39. Would all the requirements for screening create an unsafe (due to security) situation?
- *Screening is required to reduce impacts to surrounding uses when the surrounding use differs in type such as commercial next to residential. Proper lighting and landscaping/screening can cause a sense of safety rather than a security issue. That being said the point could be made that security could be a concern with a lot of parking at the rear of a building when not visible from the street.*
40. You state that you want vehicles to enter and exit in a forward motion yet you later say that you want small discrete lots will one conflict with another?
- *Vehicles must, for safety, reasons enter/exit in a forward motion. Small lots would mean that they use landscaping to break up the large open expanses of parking.*
41. All parking lots must have access points for horses?
- *Only designated areas (mostly along Bear Creek Corridor) are required to provide trail continuation. Since equestrian would lie within the corridor setback areas it is unlikely that they would be placed in any parking area.*
42. Why would all parking lots need to be designed for transit (bus) stops?
- *Transit stops are required to ensure all citizens have access to all areas of a community. Transit stops are required where nearby transit stops do not exist.*
43. Where exactly does the city want business to place parking?
- *The ideal location is in the rear of the business with all business being close to the street for quick pedestrian access. Some zones provide flexibility in parking location while others, such as the Central Business District, require parking at the rear of the building.*
44. Should parking be an issue downtown since successful downtowns usually have less parking and more walking take place? Parking Standards are too stringent in the downtown area. The amount of parking required will make us look more like a used car lot rather than a distinct downtown. A pedestrian filled downtown cannot be achieved with these kind of parking requirements.
- *After reviewing our code we thought we had addressed this but somehow it was not. I will be presenting a reduction of 25% of the parking requirements to the Planning Commission to meet the intent of parking reduction in this section of town. We also did beef up the section addressing shared parking. That being said parking is essential in order to get people to any section of your community.*
45. Concerns about the code saying that the director may make other requirements.
- *This language was removed. However there are sections that allow for the hearings body to make exceptions or requirements in the event that the use needs an adjustment to meet criteria and still be a successful development. These changes must be consistent with the code. There is a more clearly written parking requirement in the new version which will address many of the concerns that you may have.*

46. Parking minimums seem to be very high?
- *After receiving these comments we went back and reviewed like communities. We discovered that our parking minimums were slightly higher. We also did not provide for an adequate way to handle shared parking. The changes that we have made in the most recent version (5) are in line with like communities such as Sandy and Canby. We have also provided a reduction for the Central Business District and the opportunity for shared parking.*
47. Will ODOT approve the street trees that we have listed?
- *The list of street trees was taken from Sandy's street tree list recently approved by ODOT . There are issues with some of the trees that individuals have found and some changes may be made through this hearing process .*
48. Is there a provision for sharing uses of a parking lot?
- *We now have code that allows for the sharing of parking lots, Title 18.*
49. How do you know the required number of parking for carpool and vanpool?
- *The revised code has a specific section where it details the number of carpool and vanpool parking spaces.*
50. When a business falls into multiple parking area (mall) what number do you use?
- *The revised code requires all the square footages to be broken up into the type of business they are and then calculated individually. This would mean that uses would be based on the proposed tenants not just one tenant. If you had a restaurant that took up 1,000 square feet and a store taking up 10,000 square feet you would use the numbers from the list to address each use separately. The only concern is whether a change in use down the road would trigger higher parking demands. Because of this you see most malls trying to ensure adequate parking at the time of development.*
51. A 2' x 6' space plus 4' for entrance to the area for a bicycle parking space is too large of an area.
- *This standard has been used in every city we have reviewed along with the bicycle standards that the state has available for parking, bicycle and pedestrian access.*
52. Why should we be covering bicycle parking?
- *This language has been altered, but still remains as a requirement to provide covered bicycle parking for long term parking needs. This is required because of the need to provide shelter for bikes. Covered bicycle spots would make it more desirable for bicycle use thereby assisting in meeting many state and local goals. You can find this information in 18.3.400 of our code.*
53. Requiring bicycle parking to come into compliance for remodels will stifle redevelopment.
- *In order for a community to come into compliance with its requirements it captures these enhancements during remodels. We did add to the code a section on the difference between Major and Minor remodels which separate what triggers items to come into compliance with certain sections of the code. This can be found in Chapter 19.6.130 and 19.6.140.*

54. You provide too much discretion to the director on waiving of bicycle parking.
- *Much of this language has been changed, however in code there is always a certain amount of discretion left to the director since no one land use action is the same as another. Failure to allow discretion could have the effect of discouraging certain new businesses that don't "fit the mold" exactly. The director's decision is appealable by any interested party, the Planning Commission, and/or the City Council.*
55. Why would you require bicycle parking for a bed and breakfast or a motel everyone will be traveling by automobile to get to the location?
- *Check out the bicycle requirements taken from the State Bicycle program in Section 18.3.400. The requirements have been changed, however there are still requirements for these types of developments because you have people who can or would ride their bike to work.*
56. Who decides waiver to bicycle parking requirements?
- *The hearings body would decide on waivers to bicycle parking requirements.*
57. When do parking spaces have to be provided?
- Parking be it bicycle or automotive must be provided before a building permit is issued unless allowances are granted at which time it must be completed prior to a final building inspection and certificate of occupancy is issued on the building.*
58. What is the required size of a loading berth?
- *Loading berth sizes must be adequate to handle the type of deliveries that would exist at a building. For instance a large grocery store would not be approved to bring in a loading berth that catered to small box trucks.*

Signs

59. Several questions were raised on the sign code.
- *The Planning Commission directed staff to re-write the sign code in its entirety. From that conversation staff reviewed Lake Oswego's sign code as well as Canby's proposed sign code and created a new sign code from these standards. Both are well respected codes that are recent, been tested legally, and provide for a great deal of flexibility while implementing the intent of the overall plan.*
60. How long can a temporary sign be up for?
- *The following is our definition of a temporary sign: "A sign that will become obsolete after the occurrence of an event or series of events which shall extend no more than 3 months in any calendar year. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.*
61. Most commercial signs everywhere are cabinet type signs. A statement that indicates the city's preference, not its requirements is vague and confusing.
- *This language was removed from the code in an attempt to streamline the sign code language.*

62. City should not be in the design or color choice business. Whose opinion counts? Opinions change, styles change. Most companies want their sign to stand out – not blend in. That the purpose.
- ***There has been a great deal of collaboration on this issue. Molalla is not unique in developing a palette of desirable colors, which was done in consultation with TEAM. Molalla's proposed palette offers a wide range of choices for businesses to choose from, while at the same time discouraging garish or clashing hues that detract from the downtown appearance we are all trying to improve.***
63. Signs that are coordinated and consistent with each other will not stand out. This is a very restrictive measure. This uniformity will not be well received by potential merchants in a development. First guy to get a sign approved dictates what every other sign will look like. I understand what is intended here, but don't believe it is a good idea or a necessary one. The city is telling potential business that they city will tell them what their business sand their advertising sign will look like. But going so far as to tell what letter style is acceptable, is unwarranted micro managing.
- ***This language has been removed and has been addressed through development standards to ensure compatibility throughout the community.***
64. Braces from lighting prohibited from the top? Why?
- ***This language has been removed from the code.***
65. Sign size should be allowed to be bigger if large building so seen from the road. Restrictive unless residential zoning not near commercial areas.
- ***Sign size is limited based on street frontage in order to ensure signs do not become the only focal point of a property. Signs are limited in size to maintain appropriate scale with the businesses they identify.***
66. Twenty-five watt lights are not bright enough.
- ***This language has been removed and will be reviewed on a case by case scenario as determined in other sections of the code that limit light impact on neighboring properties and the sky.***
67. Does the city have the time and money to deal with monitoring the sign ordinance?
- ***As re-written, the sign ordinance will be less work to enforce, but will achieve the same objectives. The sign code is important as it is a major element of what your community looks like over the planning period.***
68. Why require spacing standards between electronic reader boards?
- ***This is to ensure that no one area is inundated with information electronic messages that contribute to visual clutter, are a distraction to motorists, and detract from the downtown appearance. Numerous cities have banned electronic reader boards altogether.***
69. Why require a sign?
- ***This requirement was removed as it was not worded correctly. There is no requirement for a sign to be placed on all properties.***
70. City should not limit to wood carved signs.
- ***The language was intended to say appearance of wood carved signs, however this has been removed from the revised code.***

71. What theme must be matched for signs?
- *The regulations created for the sign make them compatible to the area therefore there is no theme for a sign--only criteria to ensure a desired look.*
72. Why should a sign permit be processed under a land use action?
- *Signs are listed under the land use portion of the code thereby making them a land use decision. Some of the most contentious matters are signs. For this reason it is imperative to provide citizens an opportunity to comment just as citizens have the opportunity to comment on other issues. Signs are listed as the most simple of land use reviews and we have substantially streamlined our process for processing of signs.*
73. How can the city require removal if a sign is not in compliance and how would they go about removing it?
- *Removal of a sign only comes after a process of working with the sign owner/property owner to remove the obsolete or nonconforming sign. For this reason the Planning Commission determined that it was in the best interest of the public to have obsolete signs removed. This was also further discussed and agreed upon in a work session with TEAM members where they were concerned about obsolete signs remaining long after a business had left.*
74. Who decides if a sign is in attractive condition?
- *This language is no longer in the sign code.*
75. If you are annexed you must replace your sign. Why?
- *If annexed into the City it is necessary for the annexed property to come into compliance with the City standards. Annexation is not a right and therefore coming into the city means that the property must come into compliance with the standards of the city.*
76. How can the planning director have right of reasonable entry onto private property?
- *For permitting purposes staff has the right to reasonable entry as part of the inspection process. This continues an established lawful practice.*
77. The new sign code is extremely heavy handed.
- *We hope you view the revised code as a much simpler straight to the point code.*
78. Would prohibiting banners and streamers mean that car lots could not use them? Would that also apply to grand openings?
- *These types of signs are allowed as temporary signs and would be allowed for a grand opening but not on an ongoing basis. See temporary signs in Title 16 for a definition.*
79. Why is the city going into the sign rental business?
- *The City is not going into the sign rental business. We will be offering A-Frame signs for garage sales in an effort to curb the clutter of garage sale signs and provide an option for notices to garage sales. Currently it is not legal to place signs on traffic control devices and PGE poles. We have been and will continue to crack down on these types of violations. The proposal is to require a deposit for the signs in case they are not returned.*

80. If reader boards are not allowed on Hwy 211 or 213 why should they be allowed on side streets?
- *This language has been stricken from the code and we are using the space standards of no closer than 500' from another electronic reader board. Note the difference between reader boards which are allowed and electronic reader boards which have restrictions on the proximity to one another.*
81. Why are some signs required to be lit from the top while others are to be lit from the bottom?
- *The language has been modified to ensure all lighting meets the dark skies ordinance. Some lighting will be required to be from the top down in order to comply.*
82. Where can an A-Frame sign be placed if it cannot be placed on the sidewalk or in landscaped areas?
- *A-frame signs can be placed on private property with permission from the property owner but may not block pedestrian walkways.*
83. Why must a sign project from the side of the building?
- *This language has been changed in the new sign code and is no longer required to project from the side of a building; however design standards may require this when possible.*

Shane Potter, Planning Director
City of Molalla Planning Department