

Chapter 18.76: CONDITIONAL USES

18.76.010 Requirements, criteria and expansion.

- A. The Hearings Officer may allow a conditional use, after a hearing conducted pursuant to the Type III land use procedure in the procedures ordinance, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria.
1. The use is listed as a conditional use in the underlying district.
 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
 3. The site and the proposed development are timely, considering:
 - a. The adequacy of transportation, water, sewer and storm drainage systems existing or planned for the area affected by the use; and
 - b. Whether it is feasible to meet any projected increased demand for other types of public facilities within a reasonable time.
 4. The proposed use will not alter the character of the surrounding area in a manner, which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
 5. The proposal satisfies the goals and policies of the Comprehensive Plan, which apply to the proposed use.
 6. Any other special requirements and criteria set forth in this chapter.
- B. The Director may approve the minor expansion of a listed conditional use pursuant to a Type I land use procedure, but only if affirmative findings are made to the standards set forth in subsection A of this section. A "minor expansion" for purposes of this subsection is one, which results in either of, the following:
1. A ten (10%) percent or less enlargement in size of a building or structural area;
 2. A ten (10%) percent or less increase in value of the structure.
- C. At the discretion of the Director, the minor expansion of listed conditional uses may be referred to the Hearings Officer for processing under a Type III land use procedure. (Ord. 1992-1 §1;

18.76.020 Applications.

Applications for a conditional use shall include, in addition to any specific requirements under the use, the following information:

- A. A description of the proposed use and the specific reason for the request;
- B. A vicinity map indicating the relationship of the proposed use to the surrounding area;
- C. A general site plan of the property, with sufficient detail to allow consideration of the criteria and consideration of any requirements or conditions associated with the use;
- D. A building profile of proposed new or remodeled structures, if applicable.

18.76.030 Manufactured home parks.

- A. In addition to the requirements and criteria listed in Section 18.76.010, conditional use applications for manufactured home parks shall also be subject to the following special criteria:
 - 1. Any adverse impacts on adjacent properties shall be minimized by methods such as landscaping, buffering, access location and other site design provisions.
 - 2. The site must have its primary direct access onto a public street at least thirty-six (36) feet in width.
- B. Applications for manufactured homes parks shall be subject to Type III procedures as specified in Chapter 16.06.

18.76.040 Day care center.

- A. In addition to the requirements and criteria listed in Section 18.76.010, conditional use applications for a day care center shall be subject to the following criteria:
 - 1. A description of the proposed use, including the maximum number of day care persons to be served, the number of staff, and the estimated days and hour of operation.
 - 2. A site plan showing existing or proposed structures and improvements, including play yards and parking areas, and the location of structures and improvements on adjacent properties.
- B. Building and site plans for day care centers shall be subject to development review as provided in Chapter 18.45.

C. In addition to the applicable standards set forth in that 18.45, the following standards apply to day care centers:

1. Structures shall be compatible in style, color, materials, height and scale with the general character of the neighborhood;
2. The proposed use has usable on-site open space appropriate to the needs of those using the day care facility;
3. The proposed use has clearly defined property boundaries.
4. All day care centers shall obtain and maintain all applicable licenses required by appropriate governmental agencies.
5. Off-street parking shall be provided on-site in defined location with adequate turnaround space. Such parking shall not be in landscaped or open space areas, and shall meet the following minimum requirements:
 - a. One (1) space for staff; and,
 - b. One (1) space per each seven (7) day care attendees under the age of twelve (12) years old; and,
 - c. One (1) space per each five (5) day care attendees over the age of twelve (12) years old.

18.76.050 Nursing homes.

A. In addition to the requirements and criteria listed in Section 18.76.010, conditional use applications for nursing homes shall be subject to the following requirements:

1. A fence of at least five (5) feet in height shall be provided between the property used as a nursing home and any contiguous residential property.
2. At least one (1) off-street parking space shall be provided on the premises per each four (4) beds at the facility.
3. A set of building plans approved by the Oregon State Health Division shall be attached to each application for a building permit for a home for the aged or nursing home.

B. The following minimum lot sizes shall apply to nursing homes:

TABLE 10: NURSING HOME LOT SIZES

Number of Beds	Minimum Lot Size
1 to 5	10,000 square feet

6 to 10	15,000 square feet
11 to 15	20,000 square feet
More than 15	20,000 square feet plus an additional 800 square feet for each bed over 15.

- C. Building and site plans for nursing homes shall be subject to design review as provided in Chapter 18.45.
- D. In addition to the applicable standards in Chapter 18.45, the following standards shall apply to nursing homes:
 - 1. Structures shall be compatible in style, color, materials, height and scale with the general character of the neighborhood;
 - 2. A minimum of twenty-five (25%) percent of the property shall be open space or landscaping, exclusive of landscaping an parking requirements;
 - a. The open space shall include marked semi-public, semi-private, and private spaces.
 - b. The open space shall provide a sense of protection to all users and minimize barriers to handicapped or elderly person; and,
 - 3. The proposed use shall have clearly defined property boundaries.
- E. All nursing homes shall obtain and maintain all applicable licenses required by the appropriate government agencies.
- F. Nursing homes shall not be allowed in industrial or Public/Semi-public districts.

18.76.060 Senior citizen/handicapped housing facility.

- A. Purpose. The City of Molalla recognizes a need for a particular housing alternative for elderly or handicapped persons. The standards set forth in this section are intended to insure that these developments provide a minimum of services and facilities to accommodate the needs of the residents and also relieve possible detrimental effects of the development on surrounding properties. This provision recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multifamily developments providing the same number, or fewer, units and, therefore, deserve separate consideration.
- B. In addition to the requirements of and criteria listed in Section 18.76.010, conditional use applications for senior citizen/handicapped housing facilities shall include a development plan with a building profile and site plan including existing topography, public utilities, parking, streets, landscaping and other site development related information. Each application also shall include a vicinity map showing the proposed

use in relation to transit services, grocery stores, parks and open space, community facilities, medical facilities and other services.

- C. Accessory Uses. Any principal use or accessory use permitted in the underlying zoning district may be established in conjunction with and contemporaneously with a senior citizen/handicapped housing facility, provided that the accessory uses shall be used primarily for the residents and their guests.
- D. Requirements. Senior citizen/handicapped housing facilities shall conform to the following requirements:
1. Facilities intended for senior citizens shall be restricted to persons sixty (60) years of age and older. In the case of married couples, however, one member of the couple may be younger than sixty years of age as long as the remaining member is sixty (60) years of age or older.
 2. Community rooms and related equipment shall be provided in order to provide social and recreational opportunities for the occupants of the facility. At least one (1) community room within a facility shall include a service area with a kitchen sink, counter top and storage cabinets, and shall have easy access to a storage area sized to store tables, chair and janitorial supplies. At a minimum, each senior citizen/handicapped housing facility shall provide fifteen (15) square feet of community room space per bedroom. Where congregate dining rooms are required, such areas may apply toward the community room space requirements.
 3. Unless private kitchens are provided within each resident's living unit, congregate dining rooms shall be provided which serve regular daily meals for residents.
 4. A minimum of eighty (80) cubic feet (calculated with not less than ten (10) square feet of floor area) of general storage area shall be provided in each individual living unit, exclusive of regular kitchen, bedroom and linen storage areas.
 5. Unless private laundry facilities are provided within each resident's living unit, adequate laundry facilities shall be accessible on the premises for all tenants.
 6. The maximum number of living units permitted in a senior citizen/handicapped housing facility shall be twice the permissible residential density of the primary district. If the primary district is a commercial district, the maximum number of living units permitted shall be twice the permissible residential density of an R-3 district.
 7. Building and site plans for senior citizen/handicapped housing facilities shall be subject to design review as provided in Chapter 18.45. In addition to the applicable standards set forth in that chapter, the following special standards shall apply to applications for senior citizens/handicapped housing facilities:

- a. Structures shall be compatible in style, color, materials, height and scale with the general character of the neighborhood.
 - b. The building design and site layout shall define recognizable semi-public, semi-private and private spaces; it shall also insure a sense of protection and minimize barriers to handicapped or elderly persons.
 - c. A minimum of twenty-five (25%) percent of the property shall be in open space or landscaping.
8. Off-street loading shall be provided at senior citizen/handicapped housing facilities, which complies with the provisions of Section 18.52.180.
 9. At least one (1) off-street parking space shall be provided on the premises per six (6) living units, and in addition one (1) off-street parking space on the premises per three (3) nursing care units.
 10. No more than twenty-five (25%) percent of the total number of living units may be used for nursing care patients.
 11. The minimum front, rear and side yard setbacks shall be the same as in the underlying districts unless the Hearings Officer finds that a greater setback is indicated because of the uses and structures on surrounding properties or unique circumstances of the site.
- E. Senior citizen/handicapped housing facilities shall not be allowed in industrial or public/semi-public districts.

18.76.070 Residential care facility.

- A. Applications for Conditional Use. In addition to the requirements of and criteria listed in Section 18.76.010, conditional use application for residential care facilities shall include the following:
1. A description of the proposed use, including the number of residents and the nature of the condition of circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident, and the name of the agency responsible for requiring or sponsoring the use.
 2. A site plan, with existing or proposed structures and improvements, including open space or landscaping and parking, and the location of structures and improvements on adjacent properties.

3. A vicinity map locating the site in relation to transit service, other compatible land uses, and any other residential care facility within one thousand three hundred twenty (1,320) feet of the site.

B. Requirements. Residential care facilities shall conform to the following requirements

1. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
2. Residential care facilities shall be located no closer together than one thousand three hundred twenty (1,320) feet.

C. Building and site plans for residential care facilities shall be subject to design review as provided in Chapter 18.45. In addition to the applicable standards set forth in that chapter, the following special standards shall apply to applications for residential care facilities:

1. Structures shall be compatible in style, color, materials, height and scale with the general neighborhood;
2. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided a minimum of twenty-five (25%) percent of the property shall be open space or landscaping, exclusive of landscaping and parking requirements, which will include marked semi-public, semi-private and private spaces; and
3. The proposed use shall have clearly defined property boundaries.
4. Parking spaces shall be provided in the premises in defined locations, which shall not be in landscaped areas or areas required as open space.
 - a. At least one (1) off-street space shall be provided for staff.
 - b. In addition, there shall be one (1) space per seven (7) residents under the age of twelve (12) years and one (1) space per five (5) residents over the age of twelve (12) years.

D. The structure, and any remodeling or major alteration thereof, shall be approved by the appropriate division of the City of Molalla for the proposed use.

E. Residential care facilities shall not be allowed in industrial or public/semi-public districts.

18.76.075 Noncommercial Storage areas within subdivisions, row house or condominium developments.

In addition to the general requirements of Section 18.76.010, conditional uses for private community storage areas within subdivisions, row houses or condominium developments shall meet the following special criteria:

- A. The storage area shall be kept locked, and enclosed with a secure fence at least seven (7) feet but not more than eight (8) feet in height.
- B. Any adverse impacts on adjacent properties shall be minimized by methods such as landscaping, buffering, access location and other site design provisions.
- C. The storage area shall be hard surfaced or graveled to a depth of at least four (4) inches, and maintained in such a way that the area does not gather water or cause the surface to be muddy.
- D. The interior of the storage area shall be obscured from the view of surrounding properties by suitable landscaping. In meeting this criterion, the landscaping shall be of sufficient height to obscure the view of the interior of the storage area from the first story of any residences existing or which could be built within one hundred (100) feet of the perimeter of the storage area.
- E. The storage area shall be maintained and insured by a homeowner's association or condominium association.
- F. The conditional use permit shall be renewed on an annual basis, upon a showing of compliance with the criteria in this chapter and the payment of a renewal fee, which shall be set by the City Council by resolution.

18.76.080 Conditional Uses for Exceeding Height Limitations.

- A. In addition to the requirements and criteria listed in Section 18.76.010, conditional use applications to exceed height limitations shall also be subject to the following special criteria;
 - 1. Exceeding the height limitation shall not substantially limit solar access for surrounding properties in residential or commercial zones.
 - 2. The base of towers, silos, and similar structures shall be set back from the property lines a distance equal to or greater than the height of the structure.
 - 3. Towers, silos and similar structures not regulated by the Federal Aviation Administration or the Oregon Aeronautics Division shall have a finish that reduces the visibility of the structure.
 - 4. Towers, structures and similar uses shall not be illuminated except as required by the Federal Aviation Administration or the Oregon Aeronautics Division.