



Oregon

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VIA FAX: 503.829.6872 ORIGINAL TO FOLLOW



February 5, 2007

Mr. Shane Potter
City of Molalla
117 N. Molalla Avenue
P.O. Box 248
Molalla, OR 97038

RE: Molalla Comprehensive Plan update

Dear Shane:

Thank you for the opportunity to review both the Comprehensive Plan rewrite and Development Code update for the City of Molalla. As both these documents are extremely lengthy and both are full re-writes of existing documents, DLCD is providing separate comment letters on them. This letter addresses the Comprehensive Plan rewrite only. Please enter this letter into the record for proceedings on the Comprehensive Plan update. A letter on the development code will follow.

First, the City should be commended for undertaking such a broad project outside the auspices of the state Periodic Review process. The draft document represents countless hours by staff and volunteer hours by the Planning Commission/Citizen Involvement Committee (CIC) to identify the direction the City shall move. It clearly demonstrates the importance of recreation to the community and the role this element will play in the future development of the City.

While the Comprehensive Plan represents a broad and bold undertaking by the City of Molalla and its CIC, there are many facets of the Comprehensive Plan that should be reviewed, reconsidered and revised. The following comments highlight these points.

Suggestions

Goals 5 and 6: Neither Statewide Goals 5 or 6 are addressed as effectively as they could in the proposed Comprehensive Plan update. It is unclear how the City has addressed Goal 5 and if it meets the current Rule for this goal (OAR 660-023). Policies on land, air

and water quality are not integrated with the rest of the Comprehensive Plan or relevant to other policies. Section R on page 118 of 175 seems to be crafted to address Goal 6, but its contents are difficult to follow. DLCD suggests the City revisit this section and ensure its readability and applicability. Specific suggestions related to natural resources and air, land and water quality are attached to this correspondence for your further consideration. Last, the City may want to consider relying on the Water Quality Model Code published in 2000 by DLCD and DEQ. This is available on the DLCD website at: <http://www.oregon.gov/LCD/waterqualitygb.shtml>

Goal 9: Economic Development

DLCD believes this section on page 134 of 175 entitled Section F. Commercial may be misnamed given that it discusses both industrial and commercial lands. DLCD suggests the City revise the title of the section to "Employment".

DLCD is concerned about the new C-3 Highway Commercial district. Without clear substantiation by the Economic Opportunities Analysis (referenced but not submitted with the proposal), it is impossible to determine if this new district is needed. Assuming it is needed, the scope and requirements for this district are not clear. State policy supports commercial uses integrated into the community and not concentrated along highways.

Last, Implementation Measures 8, fourth bullet on page 148 does not conform with the Goal 9 administrative rule, OAR 660-009. As of January 1, 2007, all urban growth boundaries in Oregon must contain a long-term (20-year) supply of employment land (commercial, industrial, and other employment uses). Only jurisdictions in Metro must also provide a short-term supply. If Molalla wants to maintain a three-year supply of industrial land, it may do so by revising the second sentence to read: "The City of Molalla shall maintain, in addition to the 20-year supply required by Goal 9 and its implementing rules, a three-year short-term supply of vacant industrial land."

Goal 10: Housing: There are multiple housing policies that may be in violation of ORS 197.307(3)(b) and OAR 660-008-0015. Landscape/livability policy B-3 on page 125 may violate these statutes and rules since it may discourage needed housing in Molalla through development standards, conditions or procedures.

Similarly, some of the policies related to mobile home parks violate ORS 197.307(3)(b), ORS 197.314 and OAR 660-008-0015. Mobile home parks may not have conditions above those specified in statute (see ORS 197.314(6)). Further, it may be in violation of statute and rule to only allow mobile home parks as conditional uses.

The City is proposing new residential plan designations, and changing the purpose of the R-1 designation. The city will need to update its Comprehensive Plan map at the time of Plan adoption so that the R-1 district applies to land that meets the new R-1 definition. Additionally, DLCD recognizes this proposed plan district has an extremely low density for an urban area. Its application, should the City choose to maintain it, should only apply to lands already developed at this density.

With the R-5 and TTCPA residential districts, there is no indication if these planning areas would allow only detached or attached housing units. This should be clarified. Further, there is some ambiguity about the expected density in the R-5 district. This should be clarified.

On page 155, section entitled Lands Designated for Residential Purposes, the last two words in the first sentence should be changed to "occur" from "be encouraged". Also, it is noted that all housing should be located near schools and parks. The wording of the last sentence in this section is confusing and should be revised.

On page 150, some of the Implementation Measures are unsubstantiated. It is unknown if a housing mix of 30% multi-family and 70% single-family is appropriate without examining the residential land needs analysis. The same applies for other measures, such as aiming future subsidized housing towards the elderly population. Rather than putting this directive in the comprehensive plan, the city should look at its needed housing analysis to determine what needs exist in the city, then strive to meet them.

Goal 11: Public Facilities: The implementation measures for Public Facilities, D-5, item #3 (page 55 of 175), may not be consistent with the Public Facilities and Services statewide planning goal. Goal 11 states that establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries shall not be allowed except where the new or extended system is the *only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land*. The proposed language in the comprehensive plan allows for extension of sewer systems under additional circumstances. The City should examine this language with the Goal 11 rule to ensure that it is not in violation of the rules.

Additionally, some of the findings from *Dolan v City of Tigard* (US Supreme Court, 1995) apply to the public facility policies. This case found that:

"...when [feasible] the City is able to make findings of (1) an essential connection between the condition and approval and a legitimate governmental purpose, and (2) rough proportionality, both in nature and extent, between the condition of approval and the public impact of the proposed development, the City [shall] may impose a condition of approval that requires a develop[s] to pay for the cost of major public facility expansions to serve new development."

Dolan must also be implemented in the development code. This *Dolan* finding should be incorporated in Implementation Measure D-5 #2, page 55, D-5, #4, page 55 and Policy D-6, #6 on page 56. Local governments are limited in the extent to which they may require developers to pay for off-site improvements.

Regarding school planning, policy D-5 #2 on page 54, the last sentence is incorrect. School planning should not follow land use planning; it should be coordinated with land

Proofreading: Generally, the entire plan would benefit from a professional proofreading prior to adoption. Having a professional proofreader look for corrections such as: spelling, punctuation, sentence structure, repetitive sections, capitalizations, section and subsection numbering agreement, missing words, etc. would make this a better and easier to use document.

Another category of proofreading would be by a planner to ensure proper citations of state statute. For example, in the Plan Elements and Implementation section (p 146 of 175), the wrong ORS is referenced. It should read 197, not 238.

Word choices: On page 153 on 175, there is an implementation measure suggesting the city favor a particular type of development. DLCD suggests that the City "encourage" rather than "favor" a particular type of development, as favor suggests the city will discriminate against unfavorable developments.

The Comprehensive Plan references a "planning area" in various sections including but not limited to Measure M-1 beginning on page 137 and pages 15-19. Since "planning area" is not defined in state rule and statute, Molalla should define what is meant by "planning area". Does this mean "UGB"? If so, replace "planning area" with "UGB".

There are multiple references through the comprehensive plan to "Urban Growth Boundaries". A city may have a single urban growth boundary. Please revise this phrase accordingly where it occurs. Some places where it occurs include: page 157, implementation measure M-1, fourth bullet and on page 143. Additionally, DLCD staff recommends changing the language of implementation measure M-1 on page 138 to "An urban growth boundary shall be established and maintained to identify and separate urban and urbanizable lands from rural lands."

Last, there is a reference to "area of interest" on pages 146 and 153. It is unclear what the City means by this. Does this refer to the UGB?

Place Holders: Towards the end of the document, there are a lot of "XXX" place holders. Be sure to address these prior to adoption.

Functional Plans: There is a small discussion on pages 33 and 167 of the proposed comprehensive plan regarding functional plans. It should be noted that functional plans may not be adopted by resolution as per ORS 227.186(2), which states: "All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance." Revise these sections accordingly.

You should be aware that the State provides free technical assistance with revising plan policies and code regulations through the TGM Code Assistance Program. Call Steve Oulman at 503.373.0050, extension 259 for more information.

**DLCD comments on Molalla's Proposed Population Forecast, Residential Land
Needs Analysis, Urban Reserve Area, Comp Plan, and Development Code
May 6, 2008**

The following comments, questions and observations are prepared in an effort to help the City of Molalla fine tune its ongoing work toward an updated comprehensive plan and toward establishing an urban reserve area and urban growth boundary expansion. Comments and observations are roughly categorized according to plan element, although there is some cross referencing between sections.

Population forecast

Earlier this year, department staff met with the city, the county, and the city's consultants about the city's proposed population forecast. We followed up with a letter advising the city that, because Clackamas County is not currently prepared to update its 11-year old coordinated county population forecast within the city's planning time frame, Molalla should use the ORS 195.034(3) / OAR 660-024-0030(4) safe harbor specifically designed to assist cities in this situation.

The city appears instead to use the E. D. Hovee 2025 forecast to both:

- (1) calculate a 2050 population forecast for the proposed URA, and
- (2) calculate a 2027 forecast on which to base the city's 20-year residential land needs. The Hovee forecast is significantly higher than a 2025 forecast using the legally defensible safe harbor.

In any case, Clackamas County must adopt a revised population forecast consistent with the statute and rule process for population forecast coordination prior to Molalla's use of the forecast for planning purposes.

Draft comp plan

Population forecast: As mentioned above, the E D Hovee 2025 forecast is not consistent with Clackamas County's existing county-wide population forecast and is not consistent with the safe harbor provisions in ORS 195.034(3) and OAR 660-024-0030(4).

UGMA: According to the plan, the city's Urban Growth Management Agreement (UGMA) with Clackamas County is more than 25 years old (1982). The proposed plan amendments suggest that the agreement will be updated in 2009. The city and county need a current UGMA in order to designate urban reserves, expand Molalla's UGB, or adopt new growth management policies.

Goal 9 policies:

- Does the city *need* policies to retain or maintain commercial sites?
- Cities of Molalla's size typically do not need multiple "automobile-oriented commercial zones"; in fact, the city and its business community are likely to

be better served with a single auto-oriented commercial area that is closely integrated into its other commercial and residential areas. The proposed plan amendments propose 3 auto-oriented zones (Highway Commercial, General Commercial, and Commercial/Industrial). Those designations are inconsistent with the following other city policies and with the foundations of Goal 9:

- Commercial Development Policy #10: "Inefficient strip development patterns that increase congestion and therefore waste energy resources shall be avoided" (p. 37);
 - "Revitalizing the Central Business District" (p. 34); and
 - "Developing small-scale mixed-use development areas" (p. 35).
- Economic Development Policies #5 and #10 (pp. 32, 39) appropriately attempt to preserve industrial sites from conversion to commercial uses, but the policies are inconsistent and do not appear adequate to accomplish their objective:
 - Policy #10: "Commercial and service uses in the City's industrial zones should be *limited to small-scale* retail and service uses *that cater primarily to local area employees and customers.*" (emphasis added) This is good. Replacing "should" with "shall" (and implementing in the development code) will enable this policy to work effectively.
 - Policy #5, on the other hand, *prohibits all* commercial uses in M-1 and M-2; the city should carefully consider this language for consistency with other economic development policies.
 - There is no policy to prohibit or discourage city approval of quasi-judicial applications for industrial land zone changes to commercial or residential.
 - Policy #22 (p. 40) "Large scale agricultural or nursery processing industries" are not urban uses. The city may permit existing uses to continue operating until the land is urbanized, but new ag and nursery processing uses should not be permitted inside the UGB.

Goal 10 policies:

- Draft Residential Land Needs Report

Population forecast: As mentioned above, the E D Hovee 2025 forecast should not be used for this analysis.

Densities and mix: Residential development has not achieved the density or mix anticipated in the city's existing comp plan. The proposed densities and housing types for the 20-year planning period are not enough to "catch up" or to ensure future development efficiency inside the UGB:

- Housing mix (pp. 5-6):
1986 comp plan = 70% SF / 30% MF.

2002-2006 built = 97% SF / 3% MF.

The report provides no housing mix for the future planning period (possibly in the missing Appendix 1).

o Housing densities (p 6):

Zone	1986 plan	2001-2006
LDR	4.3 – 5.8	3.1
MDR	4.9 – 9.8	6.1
HDR	15 - 18	5.3
	Zone	Gross density
1986 comp plan	LDR	4.3 – 5.8 dwelling units/acre
	MDR	4.9 – 9.8
	HDR	15 - 18
2001-2006 built	LDR	3.1
	MDR	6.1
	HDR	5.3
	<i>Average</i>	4.1
Proposed for 2050	LDR	4
	MDR	7
	HDR	14
	<i>Average</i>	5.6 ¹

Housing types: Permitting duplexes on corner lots in R-2 is a good step to provide a variety of housing to meet residents' needs and develop more efficiently within the UGB in accordance with Housing Policy #3 (p. 43) and Statewide Planning Goals 10 and 14, but it's not enough. We recommend, consistent with Winterbrook Planning's recommendations, as follows:

- o R-1: Allow small-lot detached single-family on any lot and duplexes on corner lots;
- o R-2: Allow small-lot detached, single-family attached, and duplexes on any lot;
- o R-3 and R-4: Remove large-lot detached single-family;
- o Permit small-lot single-family detached in R-1 and R-2, *or* in R-2 and R-3;
- o R-4: Prohibit detached single-family housing.

Vacancy rate: The safe harbor vacancy rate in the 2000 Census for Molalla was 3.9% (see OAR 660-024-0040(7)(a)). The city may use a different vacancy rate, such as the proposed 5%, but only if it provides adequate findings to justify using another rate.

¹ The report states that the proposed 5.6 du/acre average translates into an average housing unit size of 6,000 square feet (see p. 7, footnote 2). This makes sense if SF types constitute 90% or more of total housing units, but not if the city needs a future housing mix more like the 70/30 in its 1986 comp plan.

Missing information: The *Appendix 1: Demographic Trend Analysis* is not on the Web site with the report. DLCD staff will be glad to review the Appendix 1 data, findings and analysis and provide additional comments.

- We did not find the data and findings to support Policy #14, "Higher-end housing opportunities shall also be encouraged, especially in areas with view and natural amenities" (p. 44).

- **Proposed Equestrian Residential (ER) zone:** The department previously advised Molalla that 2-4 dwelling units per acre is not an appropriate urban residential density, especially for a city within commuting distance of the state's largest metropolitan areas.
- Does the city want to require *all* LDR developments -- R-1 as well as ER -- to provide scenic views and access to parks and trails (see p. 48)? This requirement could create an artificial constraint on LDR land inside the UGB.
- Very large-lot zones for horse barns on the fringe of the urban area conflict with city Residential Livability Policy #4: "The City shall establish housing development, schools and parks that are convenient to shopping areas and employment centers" (p. 51).

- Also see Code comments below. A number of them apply to proposed residential policies as well.

Goal 11 policies

- The Wastewater (2000) and Water (1996) elements may be out of date; will they be updated? The city must have current public facilities plans in order to designate urban reserves or to expand the UGB.

Goal 14 policies

- As mentioned above, the E D Hovee 2025 forecast should not be adopted and used.
- There are various numbers throughout for the beginning and end of the planning period (e.g., 2006-2026, 2007-2027). Molalla must have a 20-year land supply inside the UGB (Goal 14 and OAR 660, Divisions 9 and 24), and the 20-year period begins when the city adopts the plan amendments.
- Under Goal 14, urban development must occur within the UGB, not merely be *encouraged*, as in Policy #1 (p. 74).

Draft development code

We haven't reviewed the entire new code in detail. Here are some initial thoughts on what we've reviewed to date. In general, the new code is often repetitive, confusing and hard to use. Adding a number of new zones makes this worse.

Residential zones

- The draft *Residential Land Needs Report* states that Molalla plans to make extensive development code revisions after adopting new policies and a URA. However, to demonstrate that future housing development, unlike past development, will achieve planned densities and needed housing types, the revised code should be adopted along with the new policies and prior to the UGB evaluation.
- There's no indication whether zone densities are net or gross.
- ER and R-1 zones: Add "residential homes" as an outright permitted use. State law requires treating them the same as single-family homes for zoning purposes.
- ER zone: Add "manufactured homes on individual lots" as an outright permitted use; state law requires treating them the same as stick-built detached homes for zoning purposes.
- The minimum densities for the R-2 and R-3 zones should not be the same as in the R-1 zone (4 du/acre); as the city has done with the proposed maximum densities, the minimums should increase with each zone. Permitting low density detached housing in medium and high density residential zones encourages inappropriate use of land needed for higher density housing types.
- Some minimum lot sizes appear to be inconsistent with the proposed density range in the same zone.
- In R-3 and R-4, there is confusion between single-family housing types and multi-family housing types, and between rowhouses and townhomes.

Commercial and industrial zones

- What is the need for new Commercial/Industrial Mix and Employment zones, in addition to CBD, GC, HC, M-1, and M-2? Several of these zones appear to be redundant.
 - Both new zones don't adequately preserve land needed for industrial uses because they don't adequately restrict commercial uses. (The Employment zone doesn't restrict them at all.)

Community Planning Area

- Is this a true zone or a master planning mechanism?
- Is the CPA currently mapped? When will master planning be done?
- This area or zone is intended for "near the downtown." Is the amount, location, and configuration of parcels near downtown suitable for this purpose and not part of another 20-year urban land need?

- This zone and R-4 appear to conflict; the purpose of the CPA is to “serve as the major source of high density residential use.”

A number of proposed uses appear to be in inappropriate zones. For example, the following uses may not belong where they are proposed:

- “Golf course” in ER, R-1, R-2, R-~~2~~³ and CBD.
- “Outdoor recreation facility” in ER, R-1, R-2, CPA, and CBD.
- “Commercial outdoor recreation, medical center of unlimited size, religious institution, vehicle sales and repair, exterior storage of goods, park of unlimited size, cemetery, drive-through restaurant, RV camping park, and school”: in the CBD.
- Self service storage, religious institution, retail without restriction or size limit², assembly and packaging, cemetery, school, and RV camping park: in C-2 (General Commercial)
- Cemetery, parks and open space: in C-3 (Highway Commercial).
- Religious institution, school or college, commercial outdoor recreation, commercial uses without restriction or size limitation, and major event entertainment: in the Employment Zone.
- Drive-in theater and vet clinics and hospital³: in M-2 (Heavy Industrial).
- Agriculture and horticulture (except for pre-existing uses), which are rural uses: in PSP (Public/Semi-Public).

The Code also includes several vague or undefined terms and imposes standards that may be difficult to interpret/understand for applicants, city staff and public officials. The following terms, for example, may present challenges down the road:

- early 1900s character,
- salt box style,
- front porch,
- community service,
- health facilities,
- medical center,
- depository,
- large commercial uses,
- block views of other parts of the city,⁴
- light in nature.⁵

² C-3 Highway Commercial is already -- and appropriately -- designated for “large retail operations.”

³ Heavy industrial facilities are a health hazard for animals as well as people.

⁴ See proposed Employment Zone.

⁵ See proposed M-1 Zone.

Gloria Gardiner - Comments on Molalla Title 18

From: Jennifer Donnelly
To: chris@gov-law.com; johnbor@co.clackamas.or.us; Shane Potter; Sonya B Kazen; 'Winterbrook Planning'
Date: 7/16/2008 1:01 PM
Subject: Comments on Molalla Title 18
CC: Bill Holmstrom; Darren Nichols; Gloria Gardiner
Attachments: molalla comments.doc

Thank you for the opportunity to review title 18. Attached are DLCD staff comments, we can discuss in greater detail at the meeting tomorrow.

Respectfully,

Jennifer Donnelly
Metro Regional Representative
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971-673-0963
971-673-0922 Fax

TO: Shane Potter, City of Molalla - Planning Director
From: DLCD staff
Regarding: Molalla Development Code - Title 18 draft comments

Thanks for an opportunity to review Molalla's updated Title 18. Several good changes have been made since the last review to this portion of the code. This memo outlines a number of the department's previous comments and suggestions that still need to be addressed. We are looking forward to working with the city and with its consultants as you continue to refine the city's development code.

General comments:

1. Overall the code is confusing and unnecessarily complicated. For example it includes 10 different zones and 5 different overlays. In some cases there are no significant differences between the zones which creates a complex code in a small city with few staff resources to administer and the public to understand. Molalla is encouraged to consider and, where appropriate, to use the "Model Development Code for Small Cities" available on the DLCD website. The model code has been used by multiple jurisdictions for several years, so many of the "bugs" have been worked out, making it easier to implement by staff and by citizens.
2. To meet Goal 14 – Urbanization; Molalla should re-examine the proposed densities; the proposed 4 units per net acre may not be sufficient to accommodate expected growth or meet the housing needs of citizens. The City may want to consider higher densities such as 6 or 8 units per acre and consider balancing densities throughout the City.
3. It is difficult to adopt a zoning code prior to doing a visioning process, a population forecast, a housing needs analysis and a lands inventory. Typically a zoning ordinance is the implementing ordinance for the comprehensive plan – in this case the city appears to be putting the cart before the horse. As the City of Molalla approaches future efforts to expand its urban growth boundary and establish an urban reserve area, it is unclear whether the Title 18 update is compatible with those efforts.
4. Check the code for compliance with the Fair Housing Act and its provision for regulating manufactured homes and parks.

Specific comments:

5. 18.06.010 purpose of ER zone: This zone as proposed applies to an existing "exception area." By definition, exception areas are outside

UGBs. When exception areas are added to a UGB, they are urbanizable land and no longer exception areas. City code would apply to an area outside the UGB only if the city's GUM agreement with Clackamas County provides for city planning jurisdiction outside the city but inside the UGB.

6. 18.06.110: The minimum infill density for the ER zone is very low; the proposed infill of 2 units per net acre is only half the minimum density (4 du/acre) for new construction.
7. 18.06.400, conditional uses in ER zone: Commercial equestrian boarding facilities are probably too land extensive to be inside the city's urban area and are probably not compatible with most residential uses.
8. 18.06. ~~xxx~~ H, Violations, subsection 3), "The City has the right to disallow the use at any time the City deems the property is not being kept up to standards similar to those of other subdivisions throughout the City." This criterion is too vague and subjective for either the city to determine how to enforce or for property owners to know how to avoid violation; the city should provide criteria or guidelines for making such decisions. Statute and rule require that standards and conditions of approval for needed housing be clear and objective and require that they not discourage needed housing. This provision does not meet that requirement.
9. 18.08 R-1: The minimum infill density of 2 units per net acre is too low, especially because it is only ½ the minimum density (4 du/acre) for new construction.
10. State statute requires that manufactured home parks be permitted outright and not as a conditional use.
11. 18.10 R-3 MDR: Minimum landscaping standard of 25% is excessive, an inefficient use of urban land, and will discourage more affordable housing.
12. R-2 & R-3: There is no maximum lot size (or minimum density) for single-family attached homes, which is necessary in a zone that is primarily for higher density and attached housing, in order to avoid build-out with all or mostly detached homes.
13. 18.27 LL Large Lot Industrial Overlay: There are no provisions to ensure that these large parcels for targeted employers are retained for industrial purposes. The code language should include protections to prevent these sites from being rezoned or otherwise converted to other uses.
14. 18.62 Man. Homes Outside Parks

- a. #1 & #2 under 18.62.300 are probably not legal because they are more restrictive than the allowed standards in ORS 197.307(5) – unless Molalla wants to apply them also to stick-built detached homes.

15. 18.65 MH Parks: Most of the standards here may not be imposed on parks smaller than 3 acres per ORS 197.314(6); the proposed code imposes them on parks 1 acre or larger.

Additional suggestions:

- 16. Many of the zoning standards are stated as absolutes, but it appears they are intended to be minimums. These should be clarified.
- 17. Is "lot coverage" defined? It may make a difference whether coverage refers only to structures above the ground, or refers to all impervious surfaces including driveways, patios, etc.
- 18. Several zones have a side yard setback exception for single family homes on corner lots that are more than 60 feet from the front property line. What is the purpose for this? If this applies only to pre-existing, non-conforming homes, then this should be stated.
- 19. 18.02.300: This provision is not included in the Ch. 18.14 R-5 Historic District?
- 20. 18.02.500: Is "drinking establishment" defined? This provision could be included in zones where drinking establishments are permitted?
- 21. Golf courses and cell towers are not appropriate in Residential zones.
 - a. Golf course is listed as a conditional use, but Title 18 doesn't contain any criteria or standards for determining if and when a golf course proposal should get a CUP.
- 22. 18.09 R-2 Attached Residential:
 - a. Title isn't accurate; this zone permits manufactured homes in parks and single-family detached homes, neither of which is attached.
- 23. R-3 MDR: R-2's max density is 10 du/acre; R-3's minimum density should be 10, not 8.
- 24. HDR Overlay: This is an optional overlay for multi-family at a min density of 20 du/acre.
 - a. The min density more than twice the R-3 density of 8 du/acre, and
 - b. It should be mandatory, not optional, if this zone is intended to help the city achieve needed densities.

25. Only one Residential zone mentions street trees. Should they be required in all Residential zones? Or perhaps in all zones?

26. R-5 Historic District:

- a. 20% min landscaping std is very high
- b. Row houses and boardinghouses are permitted uses, but 18.14.110 doesn't specify minimum lot area.
- c. Interior side setback std doesn't seem to make sense – typo?
- d. Max bldg height of 445 feet appears to be a typo.
- e. Accessory structure setbacks: "On the rear of the property" is vague. Does that mean "on the rear property line" or "inside the rear yard setback" or something different?
- f. Is "front porch" defined?
- g. Are minimum dimensions specified?
- h. Are "boardinghouse" and "bed and breakfast" defined somewhere?
- i. Are "row house" and "townhouse" defined somewhere? Are they different housing types, or the same?
- j. Cemeteries, cell towers, and outdoor recreation centers aren't appropriate in this zone.
- k. Consider playing a size limit on "places of worship" in this zone.

27. 18.16: CPA

- a. 20% min landscaping is high and may discourage development.
- b. Why isn't residential permitted above commercial (mixed-use buildings)?
- c. Either don't permit single-family detached housing, or restrict it, since it is permitted in other zones, and this zone is for "medium density ... residential development" (18.16.010).
- d. The following sentence under "CPA Design Standards" appears to be in the wrong chapter: "The purpose of the Molalla Historic District is to create, protect and enhance original homes, buildings and places of business." R-5 is the Historic District.
- e. Why do CPA buildings have to conform to an "early 1900s" theme, when they aren't the downtown or the historic district?
- f. #3 under CPA Design Standards isn't a complete sentence.
- g. A number of the CPA Design Standards are very vague and subjective and should be revised to provide more clear and objective standards; e.g., "Large amounts of landscaping," "partially screened from view," "materials used for site features such as fences, screen walls and signs should be appropriate to the zoning district ... and should complement building design," "developments should provide transition with adjacent uses," interior site landscaping is required to ... reduce building mass," "the City shall incorporate designs that are reminiscent of the era," synthetic brick shall be rated to last for a relatively substantial duration," "once a height has been established in the area, that height shall be

maintained throughout the CPA," "sidewalk related spaces should appear safe, welcoming and open to the general public."

28.18.17 Residential Dev. Stds

a. Purpose is for manufactured, multi-family and row houses. What about townhomes, which are also a permitted use?

b. Row Houses:

i. Please clarify the following vague & ambiguous std:
"Porches must cover at least 50% of the primary façade with a net depth of at least 6 feet."

ii. Alley access required for double-car garages. What about larger garages?

iii. Off-street parking: RVs, campers & boats are prohibited from required parking or loading spaces. Does this mean they're allowed in front and back yards and alleys?

c. Multi family

i. Condominiums are an ownership form, not a housing type. They could be row houses/townhomes as well as apartments.

ii. Perimeter buffer: Is this included in, or in addition to, the yard setbacks?

iii. Clarify vague stds: "shall provide outdoor recreational facilities suitable for the type of development," "private outdoor spaces shall be easily accessible and designed to encourage their use," "building materials and paint colors should be compatible with the surrounding area. Bright colors intended to attract attention shall be discouraged," "buildings should be designed, not decorated," "those features of a building which convey the feeling of protection, warmth, privacy and individuality should be retained."

iv. Current term is "disabled," not "handicapped."

v. Define "dwelling group."

29.18.18 CBD

a. 15% landscaping min is high for this zone.

b. Why not allow 100% impervious surface area in this zone?

c. A list of categories of uses instead of trying to list all specific uses works better and allows interpretation for new or different uses. Add a "catch-all" at the end.

d. Inappropriate uses for the CBD: vehicle sales & repair, cemeteries, outdoor recreation, cell towers, RV parks.

30.18.20 C-2 GC

a. Identical purpose to CDB. Why have 2 zones? If different zones, then purpose statement should differ.

b. 20% landscaping min too high.

38. 18.34 Fences, Walls

- a. Define "sight-obscuring."
- b. Too vague; clarify: "only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways."

39. 18.36 Accessory

- a. Is "199 square feet" the total square footage of the structure, or only the footprint? Clarify.
- b. Vague, clarify: "Adequate drainage shall be met in order to eliminate run-off," "the roof design shall be similar in character and matches [sic] that of the primary structure," "no parking and/or fire lanes shall be impacted as a result of outside storage."

40. 18.44 Off-street parking

- a. Add to objectives: "Efficient use of land."
- b. In general, as drafted, this chapter is out of date. There is no mention of being allowed to use semi-pervious paving surfaces, or encouraging shared parking (it is merely allowed).
- c. The landscaping stds are inadequate.
- d. In general, we need a TGM person to comment on all transportation-related stds; there are problems.

41. 18.60 Signs

- a. Clarify "provide equitable signage rights."
- b. Define "traditional holiday decorations."
- c. Too vague, clarify: "not maintained in a safe condition and good repair, and "shall be kept in good repair and maintained in a safe, neat and attractive condition," "signs must match the theme of the C-1 district."
- d. Political Signs, Real Estate Signs, special event signs for certain groups: These provisions may violate the Oregon Constitution because they are content-based.
- e. Define "incidental sign."

42. 18.65 MH Parks: Too vague: "Park streets shall be continuous."

43. 18.66 Telecommunications: Why allow cell towers in R zones? It's OK under federal law as long they're allowed in at least one other city zone.

44. 18.72 Existing Uses or Structures

- a. Apparent errors: There's no text under 2.A. Development review; sub 3) mentions subs (1) through (6) but there are only 4 subs.
- b. Vague, clarify: New unattached structure or facilities on the same lot or parcel are allowed without regard to standards of the district."

45. 18.80 Home Occupations

- a. Define "incidental to the use of the premises as a dwelling place."
- b. Typo in 18.80.100, sub 1: "their" instead of "there."
- c. Define "immediate family members," "heavy equipment."
- d. Use Related Regs: Wrecking yards, welding shops, and similar businesses aren't prohibited, and they are not compatible with a residential neighborhood.
- e. Clarify sub 1A of 18.80.400 to: "No vehicle bearing the name of the home based business shall be [allowed to be used as a form of 'getting around' the sign standards] **on or near the site at all times.**"
- f. Vague; need to clarify: ""must remain residential in appearance and character," "make the dwelling appear less residential in nature or function," "hazardous substances are prohibited, except at the consumer commodity level," "those normally servicing residential neighborhoods."

46. 18.82 Conditional Uses

- a. MH Parks: Can't be a conditional use, must be permitted outright per state law.
- b. Daycare centers: Vague; clarify: "appropriate to the needs of those using the facility," "has clearly defined property boundaries."
- c. Nursing homes:
 - i. Off-street parking std is already in chapter devoted to off-street parking for all city uses
 - ii. The term "nursing home" is confusing and appears to be used to cover "residential homes" and "residential facility" under state law. Please review this section carefully in the context of relevant state statutes.
 - iii. Too vague: "compatible in style, color, materials, height and scale with the general character of the neighborhood," "provide a sense of protection," "clearly defined property boundaries."
 - iv. I don't recall seeing "nursing homes" listed as a permitted or conditional use in the zone chapters.
- d. Senior housing: As needed housing, this must be permitted outright and not as a conditional use per state law.
- e. Resid. Care Facility
 - i. Confusing – is it different than nursing home?
 - ii. Per state law must be permitted outright, not as a conditional use, in multi-family zones.
- f. Resid. Storage Areas: Clarify "adverse impacts to adjacent properties."
- g. Height Limits:
 - i. Define "substantially limit."

ii. Vague – clarify: “a finish that minimizes the visibility of the structure3.”

h. Temporary uses: Clarify or define: “substantially alter the look of the area,” “nearby rental housing,” “create an adverse effect.”

47. 18.86 Nonconforming uses: Confusing – how is this different than Ch 18.72 existing uses or structures?

48. 18.87 Adjustments

- a. Many provisions are too vague and should be revised to be more clear & objective.
- b. Doesn't make a clear distinction between adjustments and variances (Ch 18.88).

49. 18.88 Variances: Many criteria are too vague and subjective even for a variance application.

50. 18.90 CPA

- a. Why aren't all CPA provisions in one place, such as Ch. 18.16?
- b. A number of standards are vague and subjective, and should be clear & objective as applied to housing.

From: Stacy Humphrey
To: GARDINER, Gloria
Date: 7/18/2007 9:14 AM
Subject: FYI, Molalla, FW: Materials for Work Session
Attachments: Process Chart.doc; Presentation1-2.ppt

Gloria,

FYI. Since sometime in the future, we'll see something from Molalla, I want to keep you apprised now. This is the first e-mail I've received regarding any potential UGB expansion.

SH

>>> "Shane Potter" <planner@molalla.net> 7/18/2007 9:03 AM >>>
Hi Stacy I wanted to send you a power point presentation that Winterbrook went over during the meeting. The purpose of the meeting was to educate and inform the City Council and Planning Commission on what the procedures are for an urban growth boundary and work had been done by us so far for this matter. Mary said that a statement was made that there were concerns that we did not know what we were doing based on the calls you received. While I understand this was a misunderstanding on her part of what you actually said I want you to know that this was a work session and Winterbrook and our City Attorney Chris Crean gave this presentation. I will contact you after I get out of my meetings that I have set this morning.

Sincerely,

Shane Potter, Planning Director
Molalla Planning Department
www.molallaplanning.com
Phone: 503-829-7526
Fax: 503-829-6872

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From: Jesse Winterowd [<mailto:Jesse@winterbrookplanning.com>]
Sent: Thursday, July 12, 2007 4:17 PM
To: Shane Potter
Subject: Materials for Work Session

Shane,

Community Visioning: Your Community Goals Come First

- Foster Economic Development
- Downtown Revitalization
- Planning for Parks & Schools
- Riparian Corridor,
Wetland & Wildlife
Habitat Protection
- Maintain Small Town Identity and Design
- Community Recreational Focus
- Provide Adequate Buildable Land Supply
- Provide Higher End Housing Opportunities
- Promote Image of Family-Friendly Community

