



AGENDA

MOLALLA CITY COUNCIL MEETING
July 22, 2020
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

Mayor Keith Swigart

Council President Leota Childress
Councilor Elizabeth Klein
Councilor DeLise Palumbo

Councilor Terry Shankle
Councilor Jody Newland
Councilor Crystal Robles

MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance to Governor Brown's Executive Order 20-25. Council Chambers is limited to 25 people. All meetings are live-streamed via Facebook "Molalla City Council Meetings – LIVE".

1. CALL TO ORDER AND ROLL CALL

2. FLAG SALUTE

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

4. PUBLIC COMMENT

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

5. APPROVAL OF THE AGENDA

6. CONSENT AGENDA

- A. Meeting Minutes – July 8, 2020
- B. Meeting Minutes – January 25, 2020 (Council Retreat)

7. PUBLIC HEARINGS

- A. Ordinance No. 2020-09: Repealing and Replacing Section 17-2.3.220 Mobile Food Units Temporary Standards (Planning)

8. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2020-09: Repealing and Replacing Section 17-2.3.220 Mobile Food Units Temporary Standards (Planning)

9. GENERAL BUSINESS

- A. Discussion: Chapter 21.90 Trees (Council)

10. REPORTS

- A. City Manager and Staff
- B. Mayor
- C. City Councilors

11. ADJOURN

Agenda posted at City Hall, Library, and the City Website at <http://www.cityofmolalla.com/meetings>. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
July 8, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Regular Meeting of July 8, 2020 was called to order by Mayor Keith Swigart at 7:00pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Leota Childress – Present
Councilor Elizabeth Klein – Present
Councilor DeLise Palumbo – Present (arrived at 7:02p)
Councilor Terry Shankle – Present
Councilor Jody Newland - Present
Councilor Crystal Robles - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager - Absent
Christie DeSantis, City Recorder - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director - Present
Dan Zinder, Associate Planner - Present

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

None.

4. PUBLIC COMMENT

None.

5. APPROVAL OF THE AGENDA

No objections to the agenda, therefore accepted as presented.

6. CONSENT AGENDA

- A. Meeting Minutes – June 24, 2020
- B. Resolution No. 2020: Extending Resolutions No. 2020-06 , 2020-07, and 2020-10 Declaring a State of Emergency Due to Covid-19

***Motion to approve the Consent Agenda made by Councilor Klein, seconded by Councilor Childress.
Vote passed 7-0.***

7. PUBLIC HEARINGS

- A. Ordinance No. 2020-08: An Ordinance Adopting and Establishing Section 17-2.3.220 Mobile Food Units in the Molalla Municipal Code

Public Hearing for Ordinance No. 2020-08 was opened at 7:04pm. As there were no members of the audience to speak, the Hearing was immediately closed.

A motion was made by Councilor Childress for the First Reading of Ordinance No. 2020-08 by title only, seconded by Councilor Robles. Discussion followed.

Councilor Childress felt that Food Carts should be allowed in Industrial areas, not just in Commercial. She felt that a Permit should be considered over a Business License. Discussion among Councilors regarding fees and how they would be established. Council wanted to food cart owners to be allowed to practice business for 14 hours, opposed to the 8 hours that were proposed. This would allow owners the necessary time to set-up and teardown. Councilors discussed other options and how to make the best use of the permit.

Public Works Director confirmed the recommended changes with Council. There are minor updates to be made, however, the Council felt that it was important to approve the Ordinance so that Code language would be available to owners wanting to begin providing services.

When the vote was called, the motion passed 7-0, with all Councilors voting aye..

A motion was made by Councilor Childress to approve Ordinance 2020-08 by title only, seconded by Councilor Shankle. Vote passed with all Councilors voting aye, 7-0.

8. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2020-09: A Resolution Repealing Resolution No. 2013-17 and Establishing Appropriate Administrative Planning Department Charges

A motion was made by Councilor Childress to approve Resolution No. 2020-09, seconded by Councilor Shankle. Discussion followed.

Councilors shared concerns over various fees. Questions surrounding the need for a Tree Permit and fee were many. The Molalla Municipal Code states that a “permit shall be obtained for removal of any tree that stands 8 feet tall or higher. A fee shall be paid as approved by the City Council. (Ord. 2010-15, Ord.2010-04)” Councilors requested that the Resolution be amended to reflect \$0 for a Tree Permit.

Councilor Newland requested that Tree discussion be brought to a future meeting, so that Code language can be revisited.

A motion was made by Councilor Childress to approve Resolution No. 2020-09, as amended. Seconded by Councilor Shankle. Vote passed 6-1.

***Voting Aye: Mayor Swigart, Councilors Childress, Klein, Robles, Newland, and Shankle
Voting Nay: Councilor Palumbo***

9. GENERAL BUSINESS

A. CIS Member Cybersecurity Policy (Seifried)

Finance Director Seifried presented a Cybersecurity policy to Council. It has been added to our insurance policy and we need to have an internal policy for employees using City computers, as well. CIS has recommended this policy and it has been approved with our IT department with Molalla Communications.

A motion was made by Councilor Klein to adopt the Cybersecurity Policy, seconded by Councilor Robles. Vote passed 7-0.

B. Discussion re: Possible Charter Amendment Referral to Amend the Process Used for the Removal of the City Manager

Mayor Swigart would like Council to consider changing the Code for the appointment and removal of the City Manager from a majority vote to a supermajority vote. The vote would be changed from 4-3 to 5-2.

City Recorder DeSantis explained the process to Council. First, a Resolution would need to be adopted, followed by the referral going to ballot for voters in the November Election.

After discussion by Council, it was decided to leave the Code as it is currently.

10. REPORTS

A. City Manager and Staff

Director Seifried had nothing to report. However in the City Managers absence, she reported that funding for the OTIB loan was finalized this week. This loan covers the City's portion of the roundabout with ODOT. Staff is currently working on loans for Urban Renewal and we are looking to refinance sewer loans. Interest costs are half of what they have been. Information will be brought to Council in the next few weeks.

Public Works Director Fisher had nothing to report.

City Recorder DeSantis gave an Elections update. Candidates running for Mayor are Scott Keyser, Leota Childress and Jimmy Thompson. Candidates for Council are Josh Tompkins and Jody Newland.

B. Mayor

Mayor Swigart explained that an announcement wasn't made by the Buckeroo Association until the afternoon of July 4th in an effort for the event to be for Molalla residents only.

C. City Councilors

Councilor Newland thanked the Molalla Buckeroo Association for the 4th of July Fireworks display.

Councilor Childress announced that a second Trash Day has been planned for July 25th. More items will be accepted at this event. Volunteers are needed for this event.

Councilor Klein had nothing to report.

Councilor Shankle expressed her thanks to the Molalla Police Department for their assistance with the Parade on the 4th.

Councilor Robles thanked the Molalla Library for the many things that they are doing to provide services to our community during the pandemic.

Councilor Palumbo had nothing to report.

11. ADJOURN

A motion was made by Councilor Newland to adjourn the meeting, seconded by Councilor Klein. Vote passed 7-0 and the meeting adjourned at 8:30pm.

Keith Swigart, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder



Minutes of the Molalla City Council Work Session

Coleman Ranch
15545 S. Feyrer Park Road, Molalla, OR 97038
January 25, 2020 8:30am

THE MOLALLA CITY COUNCIL WORK SESSION RETREAT was called to order by Mayor Keith Swigart at 8:36am. In attendance were:

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Present
Councilor Terry Shankle – Present
Councilor Jody Newland – Present
Councilor Crystal Robles - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Christie DeSantis, Interim City Recorder - Present
Alice Cannon, Planning Director - Present
Chaunee Seifried, Finance Director - Present
Diana Hadley, Library Director - Present
Gerald Fisher, Public Works Director - Present
Frank Schoenfeld, Police Chief - Present
Chris Long, Lieutenant - Present

The focus of this Work Session Retreat was to set goals for the 2020-2021 calendar year through the recently adopted Molalla Area Vision and Action Plan 2030.

The five Focus Areas of the VAP (Vision and Action Plan) are as follows:

1. Molalla is a resilient community that passionately recognizes and builds on its history, culture, and location
2. Molalla is a welcoming, friendly and vibrant community with an attractive hometown feel that is safe, hospitable, and inclusive of all residents, businesses and visitors
3. Molalla is an economically sound and growing community which is evident in the diversity of businesses, partnerships, education, innovation, and the strong work ethic of its people
4. Molalla is a full-service hub of resources
5. Molalla is a beautiful and tranquil area where people are deeply connected to its unique natural resources

City Council and Staff discussed each focus areas at length. A reoccurring theme for the entirety of the meeting was the need for a new Police Station.

Councilors and Staff also acknowledged and appreciate the revitalization efforts that are going into the downtown area via business owners. Ken Fetters, owner of The Main Shop, has played a very large role in inspiring community members more to be involved. Ken and four other members have been recently appointed to the Community Program Committee for Culture and Arts. Staff and Council agree that the work that they have been doing and continue to do will benefit the community greatly.

Near the end of the Work Session Retreat, the Goals created for each of the five Focus Areas agreed Council and Staff are:

1. **RESILIENCE, HISTORY, CULTURE, LOCATION:** Sign and Mural Code, Emergency Response Plan
2. **WELCOMING, FRIENDLY, SAFE, INCLUSIVE:** Update Disaster Emergency Plan, Awareness Campaign for Understanding the Need of a New Police Department, Vacant Property Standards, Hold a City Council Meeting at the High School
3. **ECONOMICALLY SOUND, MANAGED GROWTH, BUSINESS, EDUCATION:** Economic Development Plan, Develop Zoning Regulations, Organize City Wide Clean-Up,
4. **RESOURCE HUB:** Hire Vision Coordinator, Quarterly Newsletter
5. **BEAUTY, TRANQUILITY, NATURAL AREAS:** Creamery Creek Park, Bike & Ped Path thru Bear Creek Byway, Molalla Forest Road and Molalla River Corridor

Councilor Robles inquired about how once goals have been identified and prioritized, if there is a check point as to whether we are on track. Councilor Klein explained that it has been done yearly in the past. Councilor Childress explained that we can start reporting on a quarterly basis through the Vision Coordinator.

A Visioning Coordinator will be hired through a grant provided by the Ford Family Foundation to assist the Community with the Vision and Action Plan. The Vision Coordinator is required to provide quarterly reports with the progress of each Focus Area.

A motion was made by Councilor Palumbo to adjourn the Work Session Retreat at 2:52pm, seconded by Councilor Klein. Vote passed 7-0.

Keith Swigart, Mayor

Date

Respectfully Submitted:

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category: Ordinances & Resolutions

Subject: REPEALING AND REPLACING SECTION 17-2.3.220 OF MOLALLA MUNICIPAL CODE

Recommendation: Adopt Ordinance 2020-XX

Date of Meeting to be Presented: July 22, 2020

Fiscal Impact: Planning Fee and Business License Revenue

Background:

Ordinance 2020-08 was adopted and established during the July 8, 2020 Molalla City Council Meeting. Molalla City Council made recommendations on amendments to the Ordinance at the time of adoption. Furthermore, Molalla City Council recognizes that the community strongly supports mobile food units which warrants use of the emergency clause.

Staff has made the recommended changes to the Ordinance, including industrial zone use, expanding the time allowed to operate, and addressing the day use permit and business license concerns. Staff also added the emergency language to this proposed Ordinance. Staff recommends adopting this temporary Ordinance, until such time staff can prepare municipal code language to present to the Planning Commission for further review and final code language.

SUBMITTED BY: Dan Zinder, Associate Planner
APPROVED BY: Dan Huff, City Manager



ORDINANCE NUMBER 2020-09

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON. REPEALING AND REPLACING SECTION 17-2.3.220 MOBILE FOOD UNITS TEMPORARY STANDARDS IN THE MOLALLA MUNICIPAL CODE AND DECLARING AN EMERGENCY

WHEREAS, the Molalla City Council recently established Ordinance 2020-08; and

WHEREAS, the Molalla City Council has recommended amendments to the code language of Section 17-2.3.220 during their July 8, 2020 City Council meeting; and

WHEREAS, recognizing that the community strongly supports mobile food units, the Molalla City Council has decided that adoption of this Ordinance warrants use of the emergency declaration clause.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. Section 17-2.3.220 Mobile Food Units Temporary Standards in the Molalla Municipal Code are repealed and replaced with this Ordinance.

Section 2: Mobile Food Units Temporary Standards are established in attached Exhibit "A."

Section 3. Effective Date. The effective date of this Ordinance will take place immediately after adoption.

Signed this 22nd day of July 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

Mobile Food Units

A. Applicability.

The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the city.

B. General Requirements.

1. Mobile food units shall primarily sell food items.
2. Mobile food units shall operate in the commercial and industrial zones only.
3. Mobile food units shall have a valid Mobile Food Unit Day permit, available for purchase at City Hall, at a cost of \$10 per day. A maximum of nine (9) Mobile Food Unit Day permits will be allowed per business. After nine (9) day permits are utilized, the Mobile Food Unit shall obtain a Molalla business license for \$100 less the amount spent on Mobile Food Unit Day permits.
4. Mobile food units shall not sell cannabis, in any form.
5. Mobile food units shall not be located within the public right-of-way.
6. Mobile food units shall maintain continuous compliance with applicable federal, state, county, and city standards.
7. Discharge or leakage draining into the stormwater system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of by septic service.
8. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
9. Power connections may not be connected by overhead wires to the individual mobile food units.
10. Comply with the stormwater and grading design standards for additional impervious surfaces.
11. Mobile food units, equipment, customer service areas, or any associated item may not be located within the public right-of-way.
12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with site plan and design review standards MMC 17-4.3. Mobile food units are exempt from MMC 17-3.5 unless otherwise identified below.
13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes, but is not limited to, regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.

C. Design Standards.

1. Mobile food units can remain on a property for fourteen (14) hours or less in a twenty-four-hour period and shall comply with the following:
 - a. **Standards related to the site.**
 - i. Be limited to three food units on a property at any one time;
 - ii. Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and
 - iii. Not result in the reduction of landscaping less than the minimum for the site zoning.
 - b. **Standards related to the mobile food unit.**
 - i. Comply with nuisance regulations in MMC 8.05.030;
 - ii. Comply with MMC 17-2.3.150(C) for all temporary structures associated with the mobile food cart units (except for the unit itself);
 - iii. Connect to individual wastewater holding tanks at all times; and
 - iv. Connect to a potable water tank at all times.

D. Process.

1. A Type I site plan and design review shall be submitted for each property in compliance with the standards in MMC 17-2.3.220 with a wastewater/water operations and maintenance plan.
2. Mobile food units shall have a valid Mobile Food Unit Day permit, available for purchase at City Hall, at a cost of \$10 per day. A maximum of nine (9) Mobile Food Unit Day permits will be allowed per business. After nine (9) day operation permits are utilized, the Mobile Food Unit shall obtain a Molalla business license for \$100 less the amount spent on Mobile Food Unit Day permits.



ORDINANCE NUMBER 2020-09

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.

**REPEALING AND REPLACING SECTION 17-2.3.220 MOBILE FOOD UNITS
TEMPORARY STANDARDS IN THE MOLALLA MUNICIPAL CODE AND
DECLARING AN EMERGENCY.**

WHEREAS, the Molalla City Council recently established Ordinance 2020-08; and

WHEREAS, the Molalla City Council has recommended amendments to the code language of Section 17-2.3.220 during the July 8, 2020 City Council meeting; and

WHEREAS, recognizing that the community strongly supports mobile food units, the Molalla City Council has decided that adoption of this Ordinance warrants use of the emergency declaration clause.

Now, Therefore, the City of Molalla Resolves as follows:

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Section 3. Effective Date. The effective date of this Ordinance will take place immediately after adoption.

Signed this 22nd day of July 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

Mobile Food Units

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B. General Requirements.

1. Mobile food units shall primarily sell food items.
2. Mobile food units shall operate in the commercial and industrial zones only.
3. Mobile food units shall have a valid Mobile Food Unit Operating Permit available for purchase at City Hall at a cost of \$50.00. This permit will be valid until such time permanent code language is approved and adopted.
4. Mobile food units shall not sell cannabis, in any form.
5. Mobile food units shall not be located within the public right-of-way.
6. Mobile food units shall maintain continuous compliance with applicable federal, state, county, and city standards.
7. Discharge or leakage draining into the stormwater system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of by septic service.
8. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
9. Power connections may not be connected by overhead wires to the individual mobile food units.
10. Comply with the stormwater and grading design standards for additional impervious surfaces.
11. Mobile food units, equipment, customer service areas, or any associated item may not be located within the public right-of-way.
12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with site plan and design review standards MMC 17-4.3. Mobile food units are exempt from MMC 17-3.5 unless otherwise identified below.
13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes, but is not limited to, regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.

C. Design Standards.

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 - a. **Standards related to the site.**
 - i. Be limited to three food units on a property at any one time;
 - ii. Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and
 - iii. Not result in the reduction of landscaping less than the minimum for the site zoning.
 - b. **Standards related to the mobile food unit.**
 - i. Comply with nuisance regulations in MMC 8.05.030;
 - ii. Comply with MMC 17-2.3.150(C) for all temporary structures associated with the mobile food cart units (except for the unit itself);
 - iii. Connect to individual wastewater holding tanks at all times; and
 - iv. Connect to a potable water tank at all times.

D. Process.

1. A Type I site plan and design review shall be submitted for each property in compliance with the standards in MMC 17-2.3.220 with a wastewater/water operations and maintenance plan.
2. Mobile food units shall have a valid Mobile Food Unit Operating Permit available for purchase at City Hall at a cost of \$50.00. This permit will be valid until such time permanent code language is approved and adopted.

City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: Chapter 21.90 Trees

Recommendation: N/A

Date of Meeting to be Presented: July 22, 2020

Fiscal Impact: To be determined

Background:

At the July 8, 2020 Council meeting, Resolution No. 2020-09 was passed by a majority vote.

Council requested that the Tree Permit fee become \$0. To do so, Code language will need to be amended.

Current Code language states: "Chapter 21.90.030 Permit Required: A permit shall be obtained for removal of any tree that stands 8 feet tall or higher. A fee shall be paid as approved by the City Council. (Ord. 2010-15) (Ord. 2010-04)"

Copies of Chapter 21 and Ordinances 2010-15 and 2020-04 are included in this staff report.

SUBMITTED BY: Christie DeSantis, City Recorder
APPROVED BY: Dan Huff, City Manager

Molalla Municipal Code[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 21 ADDITIONAL REGULATIONS](#)**Chapter 21.90 TREES**

21.90.010 Purpose.

The purpose of this chapter is to provide a system for tree retention to support and enhance the City's theme as a recreation community. (Ord. 2010-15 §1; Ord. 2010-04 §1)

21.90.020 Tree retention.

- A. A group of trees that is, on average, 8 feet tall or greater shall not be reduced by more than 30%.
- B. This section does not apply to hazardous trees or when there is no practicable alternative to removing the trees, as determined by the Planning Director in the Director's sole discretion. A "hazardous tree" is one that has foreseeable potential for falling and causing property damage or personal injury. Within commercial and industrial zones, an arborist shall provide a written statement verifying the hazard. In residential zones, the property owner shall provide a written statement and photographs verifying the hazard.
- C. Any tree that is removed shall be replanted on the same lot within 1 year unless the Planning Director determines that an adequate number of trees remain on the property.
- D. All new development shall incorporate trees within the development.
- E. When a protected tree lies within an area where development is scheduled to occur and no alternative exists to removing the tree, a new tree must be planted for every tree that is removed. (Ord. 2010-15 §1; Ord. 2010-04 §1)

21.90.030 Permit required.

A permit shall be obtained for removal of any tree that stands 8 feet tall or higher. A fee shall be paid as approved by the City Council. (Ord. 2010-15 §1; Ord. 2010-04 §1)

View the [mobile version](#).

City of Molalla
ORDINANCE NO. 2010-04

**AN ORDINANCE ADOPTING A DEVELOPMENT CODE,
AND REPEALING THE EXISTING DEVELOPMENT CODE**

WHEREAS, the City of Molalla comprehensive land use plan (the "Comprehensive Plan) is implemented through Chapters 16, 17, 18, 19, 20 and 22 of the Molalla Municipal Code; and

WHEREAS, Chapters 16, 17, 18 and 19 of the Municipal Code (also known as the "Development Code") have not been substantially reviewed or revised since they were adopted in the 1980's; and

Whereas the City Council determined that the Development Code should be updated to be consistent with current building practices and review procedures; and

WHEREAS, the City Planning Department and Planning Commission conducted numerous community meetings, open houses, and public meetings to solicit ideas, gather information, review proposed code provisions and on the proposed Comprehensive Plan; and

The Planning staff and Planning Commission worked closely with local business community and neighborhood groups to review the proposed Development Code; and

Whereas; the City received and reviewed thousands of public comments on the proposed Development Code from City residents, county residents and the local business community; and,

WHEREAS, the City solicited and incorporated comments from the State Department of Land Conservation and Development, the Oregon Department of Transportation and the State Department of Parks and Recreation; and

WHEREAS, on September 2, 2009, the Planning Commission forwarded a recommendation to the City Council that it approve the proposed Development Code; and

WHEREAS, the City Council held public hearings on the proposed Development Code on October 21, October 28, November 4, November 18, December 2, and December 9, 2009, and on January 20, and February 10, 2010; and

WHEREAS, on February 10, 2010, the City Council adopted amendments to the proposed Development Code and directed staff to develop findings of compliance with applicable laws and policies; and

WHEREAS, the City Council finds that economic development in Molalla depends on a Development Code that can provide clear guidance to property owners and the local development community, as well as provide a fair and efficient review of development applications; and

WHEREAS, based on the findings and conclusions in the staff report attached as Exhibit A to this Ordinance, the City Council finds the proposed Development Code attached as Exhibit B to this Ordinance complies with all applicable statutes, goals and rules;

Now, therefore, the City of Molalla Ordains as follows:


- Section 1.** The City Council adopts the findings and conclusions in the staff report dated March 3, 2010 attached hereto as Exhibit A.
- Section 2.** Chapters 16, 17, 18, 19, 20 and 22 of the Molalla Municipal Code in effect on the effective date of this ordinance are repealed in their entirety.
- Section 3.** The Molalla Municipal Code is amended to include the new Chapters 16, 17, 18, 19, 20 and 22 attached hereto as Exhibit B.
- Section 4.** Pursuant to Chapter V, Section 22, of the Molalla City Charter, the City Manager is authorized to take such action as may be necessary to implement this Ordinance, including but not limited to ensuring accurate codification, updating the City website to reflect the new Development Code and making copies of the plan and code available to the public.
- Section 5.** An emergency is hereby declared and this ordinance and shall take effect upon adoption.

This ordinance adopted and approved by the Mayor this 10 day of March, 2010.

Attest:



Sadie Cramer, City Recorder



Mike Clarke, Mayor

City of Molalla

ORDINANCE NO. 2010-15

AN ORDINANCE AMENDING THE DEVELOPMENT CODE

WHEREAS, the City of Molalla comprehensive land use plan (the "Comprehensive Plan) is implemented through Chapters 16, 17, 18, 19, 20 and 22 of the Molalla Municipal Code (also known as the "Development Code") and

WHEREAS, the Development Code was adopted by the City Council on March 10, 2010; and

WHEREAS, the City Council requested reviews of the code every six months for the first two years; and

WHEREAS, the Planning Department and Planning Commission conducted public meetings and work sessions to solicit ideas, gather information, and review proposed code provisions; and

WHEREAS, the City consulted with the State Department of Land Conservation and Development regarding portions of the code amendments; and

WHEREAS, on November 11, 2010, the Planning Commission forwarded a recommendation to the City Council that it approve the proposed Development Code amendments; and

WHEREAS, the City Council held a public hearing on December 8, 2010;

WHEREAS, the City Council finds that economic development in Molalla depends on a Development Code that can provide clear guidance to property owners and the local development community, as well as provide a fair and efficient review of development applications: and

WHEREAS, based on the Planning Commission report attached as Exhibit A to this Ordinance complies with all applicable statutes, goals and rules;

NOW, THEREFORE, the City of Molalla ordains as follows:

Section 1. The Molalla Development Code is amended to include the changes to the code recommended by the Planning Commission as shown in Exhibit A.


Section 2. Pursuant to Chapter V, Section 22, of the Molalla City Charter, the City Manager is authorized to take such action as may be necessary to implement this Ordinance, including but not limited to ensuring accurate codification, updating the City website to reflect the new Development Code and making copies of the plan and code available to the public.

Section 3. An emergency is hereby declared and this ordinance and shall take effect upon adoption.

Read by title only for the first time and approved by the City Council, City of Molalla, Oregon, at its meeting, on the 8th day of December, 2010.

Read by title only for the second time and adopted by the City Council, City of Molalla, Oregon,
at its meeting, on the 8 day of December, 2010.

Approved:



Mike Clarke, Mayor

ATTEST this 8 day of December, 2010.



Sadie Cramer, City Recorder