



AGENDA

MOLALLA CITY COUNCIL MEETING
December 11, 2019
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

Mayor Keith Swigart

Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo

Councilor Terry Shankle
Councilor Jody Newland
Councilor Crystal Robles

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Commission Appointment – Open Library Board seat (Hadley).....**Page 3**
B. Pudding River Water Shed Appointment (Fisher).....**Page 5**

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.)*

5. APPROVAL OF THE AGENDA

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.)

- A. Meeting Minutes – November 11, 2019.....**Page 6**
B. Resolution 2019-19: A Resolution Updating Stormwater Rates (Fisher).....**Page 10**

7. PUBLIC HEARINGS

- A. Ordinance 2019-14: An Ordinance repealing language in Chapter 2.17 Art Commission and replacing with new language regarding Community Program Committee (Huff)**Page 13**
B. Ordinance 2019-15: An Ordinance Updating and Replacing Language in Chapter 15.04 Building Code to be Consistent with State and County Building Codes (Cannon).....**Page 16**
C. Ordinance 2019-16: An Ordinance Changing the Procedure for Processing Preliminary Land Partition Plats from a Type II Public Hearing Procedure to a Type II Administrative Decision Procedure, Appealable to Planning Commission (Cannon).....**Page 20**

8. GENERAL BUSINESS

9. REPORTS

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

10. RECESS INTO EXECUTIVE SESSION

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

11. RECONVENE REGULAR SESSION**12. 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.

City of Molalla

City Council Meeting



Agenda Category: Presentations, Proclamations, and Ceremonies

Subject: Appointment to Library Board

Recommendation: Council Approval

Date of Meeting to be Presented: December 11, 2019

Fiscal Impact: None

Background:

The Library has an open seat on the Library Board. Jessica Coy has applied to fill the position.

Staff recommends City Council appoint Jessica Coy to the Library Board.

SUBMITTED BY: Diana Hadley, Library Director
APPROVED BY: Dan Huff, City Manager



City of Molalla
Application for Appointment to Citizen
Committee/Board/Commission/Council

Date: 10-16-19

How long have you resided in the City: 15+ YRS

Committee/Board/Commission/Council position of interest: Library Board

Name: Jessica Cory

Address: 716 Eric Drive

State/Province: Oregon Zip/Postal Code: 97038

Home Phone: _____ Work Phone: N/A

*E-Mail _____

Current or Previous Community Affiliations or Activities:

<u>Molalla High School Teacher</u>
<u>Molalla High School Coach</u>
<u>FBLA Adviser</u>

Why would you like to serve on this Committee/Board/Commission/Council and give any other background you might have in this area.

<u>I am a library patron and care about decisions made regarding the community of Molalla and the positive impact of the public library.</u>
--

If applying for re-appointment to this Committee/Board/Commission/Council/Task Force, please indicate what has been the key accomplishment of the group during your service.

If you could make any improvement to the Commission/Board/Committee/Task Force, what would it be?

***Signature:**

Jessica Cory

117 Molalla Ave/PO Box 248 Molalla Oregon 97038
Ph: 503.829.6855 Fax: 503.829.3676 www.cityofmolalla.com

REV: 02/14/2019 Citizen Application - City Recorder

Email back to: cityrecorder@cityofmolalla.com

City of Molalla

City Council Meeting



Agenda Category: Presentations, Proclamations, Ceremonies

Subject: Appointment to Pudding River Watershed Council

Recommendation: Council Approval

Date of Meeting to be Presented: December 7, 2019

Fiscal Impact: None

Background:

On October 7, 2019, staff was contacted by Anna Rankin, Executive Director, Pudding River Watershed Council and requested the appointment of a City of Molalla representative to their Board of Directors. A portion of the City's stormwater runoff drains into Bear Creek which is a tributary of the Pudding River watershed. Andy Peters, Operation Supervisor has immediate oversight of the maintenance and operation of this storm system and has volunteered to serve on the Board of Directors if appointed by the City Council.

Staff recommends City Council appoint Andy Peters, Operations Supervisor as the City of Molalla representative to the Pudding River Watershed Council.

SUBMITTED BY: Gerald Fisher, Public Works Director
APPROVED BY: Dan Huff, City Manager



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
November 13, 2019

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Regular Meeting of November 13, 2019 was called to order by Mayor Keith Swigart at 7:00pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Absent
Councilor Terry Shankle – Present
Councilor Jody Newland - Present
Vacant Seat
Student Liaison Natalee Litchfield - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Christie DeSantis, City Recorder - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director - Present
Alice Cannon, Planning Director - Absent

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Council Appointment – Open Council Seat from March 2019

Molalla resident, Crystal Robles, submitted an application for Council Appointment on November 1, 2019. Ms. Robles has been a Molalla resident for most of her life. She is a mother to three children; ages 7, 6, and 5 and is a graduate of Western Oregon University with a double major in Political Science and Psychology.

After a brief question and answer session, a motion was made that Ms. Robles be sworn in as a newly appointed Council member by Councilor Childress. Seconded by Councilor Klein. Vote passed 5-0.

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.)

5. APPROVAL OF THE AGENDA

A motion was made by Councilor Childress to approved the agenda, seconded by Councilor Klein. Vote passed 5-0.

6. CONSENT AGENDA

- A. Meeting Minutes – October 23, 2019
- B. OLCC Permit Request: Unfettered Renovations, LLC. “The Main Shop”
Requesting Off-Premises Sales

Meeting Minutes – Molalla City Council Regular Session – November 13, 2019

Councilor Childress requested that Consent Agenda Item B be removed from the Consent Agenda and moved to General Business. Council approved the request.

A motion was made to approved the Consent Agenda without Item B by Councilor Newland, seconded by Councilor Shankle. Vote passed 6-0.

7. PUBLIC HEARINGS

- A. Ordinance 2019-14: An Ordinance repealing language in Chapter 2.17 Art Commission and replacing with new language regarding Community Program Committee (Huff)

City Manager Huff, explained to Council that this Ordinance had letter “H” added after the packet was posted online. Letter “H” states “All appointments to the Committee may be terminated at the pleasure of the Mayor with the consent of the City Council for the remaining portion of the term”. Council approved of the addition.

Mayor Swigart opened the Public Hearing at 7:25pm. Seeing no members of the public wanting to speak on the Ordinance, Councilor Klein made a motion to close the public hearing, seconded by Councilor Childress. Vote passed 6-0.

There was no further discussion by Council. The First Reading of Ordinance 2019-14 was read by Mayor Swigart. The Second Reading will take place at the December 11, 2019 Council Meeting.

8. GENERAL BUSINESS

- A. OLCC Permit Request: Unfettered Renovations, LLC. “The Main Shop”
Requesting Off-Premises Sales

Per the request of Councilor Childress, Ken Fetters of Unfettered Renovations, LLC. (The Main Shop), addressed Council regarding his OLCC Permit request for Off-Premise Sales.

Mr. Fetters explained that Colton Winery has approached him about carrying their wine in his shop. He agreed to act as a distributor for them, which causes the need for an Off-Premises license.

A motion was made by Councilor Shankle to approve the Off-Premises Sales OLCC License for Unfettered Renovations, LLC., seconded by Councilor Childress. Vote passed 6-0.

9. REPORTS

- A. City Manager and Staff

Finance Director Seifried – Nothing to report.

Public Works Director Fisher reminded Council of a request that had been made by them regarding utility rate reviews to make sure the City is on track and adjust where needed. Mr. Fisher announced that there would be a rate increase Ordinance in December. Increases will not be for sewer, nor water. There will be a stormwater increase at three percent, which equates to approximately 14 cents per month for an average family household.

Mayor Swigart asked what the increase covers. Mr. Fisher listed maintenance and operation, storm drain clean out, man holes, catch basins, repairs, and any other storm related item.

Mr. Fisher gave a lengthy report regarding the dangers of flushable wipes to our sanitary sewer system. Council requested a posting on social media, as a reminder to citizens.

Mr. Fisher reminded everyone that with the time and season change, visibility of pedestrians is very poor. He ask

that drivers slow down and be cautious.

City Recorder DeSantis – Nothing to report.

City Manager Huff welcomed Ms. Robles as a new Council member. He reminded Council that the City is hosting the Chamber of Commerce breakfast on Thursday, November 14, 2019 and invited all to attend.

Councilor Klein asked Mr. Huff about the status of a grant with Ford Family Foundation. Mr. Huff stated that the City received approval from the Ford Family Foundation for an Economic Development grant. The grant funds have been placed in the budget for the current year, as we were anticipating its award. We are in the process of preparing data.

B. Mayor

Mr. Swigart welcomed Councilor Robles as the newest member of City Council.

Mayor Swigart thanked the Middle School for the Veteran's Day assembly that was held recently. He was happy to share that the staff and students did an amazing job with the presentation.

City Councilors

Councilor Klein welcomed Councilor Robles. Ms. Klein shared that we are in the final iteration of the Visioning process. Ms. Klein is hopeful to share with the community in the very near future.

Councilor Childress echoed the statement by Councilor Klein in regards to the Visioning Update. She stated that they've worked on things that the Community has asked to see. Ms. Childress gave an update on behalf of the Molalla Warming Center. The first cold snap of the year came on October 27th, which was very early and the Warming Center was not ready to open. Volunteers quickly prepared the space, in time to open the next night, October 28th, as it was below freezing again. In the past, one or two people come on opening night. This year the first night yielded 11 people, 13 the following night. Councilor Childress asked the public for assistance, as the Warming Center is in need of volunteers.

Mayor Swigart shared that Molalla is a destination for Warming Center patrons, due to surrounding communities not having a facility.

Councilor Newland appreciated the hard work of the Middle School Veteran's Day Assembly. She thanked Mr. Clark for assisting the students, as well as thanking all who have served.

Councilor Shankle – Nothing to report.

Councilor Robles – Nothing to report.

Student Liason Litchfield gave a High School report. Fall sports are coming to a close. Molalla FFA Chapter attended the National Convention that took place in Indianapolis, where two teams competed. Work has started for the Share the Love Project that takes place in February. A Shoe Drive is starting soon, the High School has paired with Soles for Souls. New or gently used shoes can be donated.

10. ADJOURN

A motion was made by Councilor Childress to adjourn the meeting at 7:45pm, seconded by Councilor Klein. Vote passed 6-0.

Keith Swigart, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder

DRAFT



Public Works Department

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

November 25, 2018

TO: City Council

CC: Dan Huff, City Manager

FROM: Gerald Fisher, Public Works Director

RE: Adoption of Stormwater Fee Increase

Dear City Council,

Included in the December 11, 2019 Council packet is a Resolution to increase the stormwater fees on July 1, 2020 by 3.5%. This is the third year of the rate increase set out in the 2017 Utilities Rate Study. The study recommended the rate increases that the City should make over the next five years based on the current Capital Improvement Plan which was amended by City Council on November 14, 2018. The City Council adopted fee increases on November 11, 2017 and November 28, 2018 in accordance with the approved Utility Rate Study.

The resolution language is the same from last year except for the fee amounts and the repeal of prior Resolution. Adoption of the last stormwater fee increase has increased our ability to design and construct the capital projects needed within our system and to complete the prior obligations tied to federal grants received by the City.

Because there is a surplus of revenue in the Water Fund, we will not be requesting an increase to the water rates this year. Looking ahead, sewer rate increases will be reviewed after the first of the year and will allow us to continue our efforts to secure bonded debt for the costs of the WWTP upgrade.

Staff recommends the Council approve the stormwater rate increase identified in the Rate Study so that we can continue our work to replace aging infrastructure and prepare the City for future growth.



RESOLUTION 2019-19

A RESOLUTION OF THE CITY OF MOLALLA, OREGON ESTABLISHING SURFACE WATER RATES AND ANNUAL INFLATION ADJUSTMENTS THEREAFTER AS APPROVED BY MOLALLA MUNICIPAL CODE CHAPTER 13.13

WHEREAS, The Molalla Municipal Code Section 13.13.030 provides that fees for surface water charge be established by resolution of the City Council; and

WHEREAS, the City desires to regularly review the costs of operating, maintaining, and improving the surface water system; and

WHEREAS, the City has prepared a fee rate study which has identified surface water system costs, rate structure alternatives, and equitable cost recovery methods; and

WHEREAS, the City completed a 5-year stormwater capital improvement plan and rate study to revise the fees based on the updated plan; and

WHEREAS, the City Council desires to implement the average annual rate increase of 3.50% for the first year as identified in the July 2017 Utilities Rate Study; and

WHEREAS, the City desires to establish within its surface water rate structure an annual increase to address inflation based on the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U), service provision and maintenance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Resolution No. 2018-23 is repealed upon the effective date of this Resolution.

Section 2. The methodology attached hereto and incorporated herein by reference regarding the calculation of the Surface Water Utility User Charge is hereby adopted.

Section 3. The Equivalent Dwelling Unit (EDU) shall be based on a local value of 2,980 square feet of impervious surface and the EDU factor shall be 1.00.

Section 4. Impervious surface factors for properties other than a single-family dwelling shall be based on the square feet of impervious surface divided by one EDU and measured to the nearest one-hundredth EDU.

Section 5. The impervious surface factor shall be multiplied by the base fee to determine the monthly fee.

Section 6. A reduction in the amount of calculated impervious surface for commercial and industrial properties may be granted by the Public Works Director based on the use of infiltration facilities meeting the requirements of the Public Works Standards and approved and monitored by the Oregon Department of Environmental Quality.

Section 7. A reduction in the amount of calculated impervious surface for commercial and industrial properties may be granted by the Public Works Director based on the removal of paved areas or scarifying of compacted gravel areas to allow for infiltration.

Section 8. The Surface Water Rates and Fees are established.

**Rate Schedule thru June 30, 2020 – Stormwater
(All Residential, Commercial, and Industrial inside the City)**

Area Calculation	Rate
Impervious Area/EDU Area	\$3.87

**Rate Schedule Effective July 01, 2020 – Stormwater
(All Residential, Commercial, and Industrial inside the City)**

Area Calculation	Rate
Impervious Area/EDU Area	\$4.01

Section 9. Annual inflationary adjustments for all storm water users shall be effective automatically each year on July 1 based on the published values by the Bureau of Labor Statistics Portland-Salem for All Urban Consumers (CPI-U).

Section 10. This Resolution is and shall be effective upon adoption and all rates and charges established herein for water customers shall go into effect as of such date.
Duly adopted by Molalla City Council the 11th day of December 2019.

Keith Swigart, Mayor

ATTEST this 7th day of December 2019:

Christie DeSantis, City Recorder



ORDINANCE NUMBER 2019-14

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON REPEALING LANGUAGE IN CHAPTER 2.17 ART COMMISSION AND REPLACING WITH NEW LANGUAGE REGARDING COMMUNITY PROGRAM COMMITTEE.

WHEREAS, Chapter 2.17 of the Molalla Municipal Code describes establishment and process of an Art Commission; and

WHEREAS, the Mayor and Council desire to establish general provisions for needed committees in Molalla, including culture and arts; and

WHEREAS, The Mayor and Council agree that said language should be revised to the following.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. **Chapter 2.17** language is repealed and renamed Community Program Committee.

Section 2. **2.17.010 Committee Established.**

- A. A Community Program Committee shall consist of five members appointed by the City Council. All Community Program Committees shall function under the direction of policy established by the City Council and may have one City Councilor as a voting member. A Councilor may also be assigned as a liaison.
- B. At least three persons shall be City residents or own a business within the City limits. The remaining appointed members do not require City residency.
- C. Members of the Committee shall elect from among their members a chair and vice-chair.

- D. The Committee shall meet as deemed necessary and shall establish rules or procedures necessary to conduct business consistent with state or city requirements.
- E. Committee meetings shall be publicly noticed and be in conformance with Oregon's open meetings requirements.
- F. Summary minutes of Committee proceedings shall be recorded and retained in conformance with Oregon's public records requirements. Minutes of proceedings shall be submitted to the City Council for informational purposes as minutes are adopted.
- G. In January of each year the Committee shall submit a report on its activities to the City Council.
- H. All appointments to the Committee may be terminated at the pleasure of the Mayor with the consent of the City Council for the remaining portion of the term.

2.17.020 Mission.

The Mission of a Community Program Committee is to:

- A. Carry out established City Council Policy.
- B. Encourage greater participation and opportunities for the Molalla area.
- C. Facilitate cooperation, coordination and communication among groups and individuals engaged in the community based on City Council policy direction.
- D. Sponsor, facilitate or coordinate events and activities to showcase the Molalla area.
- E. Encourage and promote Molalla based on Council policy direction.
- F. Pursue funding sources, projects and programs to enhance the Molalla Area.
- G. May provide liaison and representation to the City Council.

2.17.030 Definition of Community Program.

A Community Program includes, but not limited to; art and culture, economic development, visual design, community livability and such other endeavors promoting and enhancing the Molalla Community as may be designated by the Council.

2.17.040 City Support.

The City will provide web page access if deemed necessary. Other related support may occur through consultation with the City Manager; however, funding for events and projects is expected to be generated by the Committee.

The City shall receive and disburse funds for the Committee in accordance with the City's accounting and purchasing practices and provide guidance to the Committee on fundraising and finance matters.

Section 3. **Effective date.**

Read the first time on November 13, 2019 and moved to second reading by 6-0 vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Keith Swigart, Mayor

ATTEST:

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category: Public Hearing

Subject: Consideration of Ordinance No. 2019-15; Updating and Replacing Language in Chapter 15.04 Building Code to be Consistent with State and County Building Codes

Recommendation: Council Approval

Date of Meeting to be Presented: December 11, 2019

Fiscal Impact: No impact

Background:

Clackamas County serves as the City's Building Inspection and Plan Review contract service provider. The County alerted the City in September that Molalla Municipal Code needs to be updated to be consistent with recent changes in State Building Code and procedures Clackamas County uses to administer the City's building program.

County Building Official Matt Rozzell and Planning Director Alice Cannon spoke with City Council about these proposed amendments at the November 13 City Council Work Session. Due to a deadline imposed by the State Building Codes Division, Ordinance No. 2019-15 must be adopted by emergency for amendments to be in effect by the end of the calendar year.

SUBMITTED BY: Alice Cannon, Planning Director
APPROVED BY: Dan Huff, City Manager



ORDINANCE NUMBER 2019-15

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON UPDATING AND REPLACING LANGUAGE IN CHAPTER 15.04 BUILDING CODE TO BE CONSISTENT WITH STATE AND COUNTY BUILDING CODES.

WHEREAS, Chapter 15.04 of the Molalla Municipal Code adopts the Oregon State Building Code, Specialty Codes and applicable Oregon Administrative Rules.

WHEREAS, adoption of the statewide codes and rules require that all new building plans and inspections comply uniformly in Oregon;

WHEREAS, Chapter 15.04.015 must be updated to be consistent with Clackamas County, the City's contract building inspection and plan review service provider; and

WHEREAS, Chapter 15.04.020 can be deleted because amendments to Chapter 15.04.015.G will now cover administration and enforcement of the Oregon Building Code.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. Chapter 15.04.015 is hereby amended to read as follows:

The specialty codes hereby adopted are the:

- A. Oregon Electrical Specialty Code as adopted by OAR Chapter 918, Division 305;
- B. Oregon Manufactured Dwelling and Park Specialty Code adopted by OAR Chapter 918, Division 600;
- C. Oregon Plumbing Specialty Code as adopted by Chapter 918, Division 750;
- D. Oregon Residential Specialty Code as adopted by OAR Chapter 918, Division 480;
- E. Oregon Structural Specialty Code as adopted by OAR Chapter 918, Division 460

F. Oregon Mechanical Specialty Code as adopted by OAR Chapter 918, Division 440

G. 2014 Oregon Structural Specialty Code, Chapter 1 Scope and Administration

Section 2. Chapter 15.04.020 is deleted.

Section 3. Effective date. Due to urgent need, this ordinance shall be effective upon the approval of City Council.

Duly adopted by the City Council of the City of Molalla this 11th day of December 2019.

Keith Swigart, Mayor

Attested to this 11th day of December 2019.

Christie DeSantis, City Recorder

15.04.015 Specialty codes adopted.

The specialty codes hereby adopted are the:

- A. 2005 Oregon Electrical Specialty Code as adopted by OAR [918-305-0000](#) through [918-305-0320](#);
 - B. 2002 Oregon Manufactured Dwelling and Park Specialty Code adopted by OAR [918-600-0005](#) through [928-600-0010](#);
 - C. 2005 Oregon Plumbing Specialty Code as adopted by [918-750-0110](#);
 - D. 2005 Oregon Residential Specialty Code as adopted by OAR [918-480-0002](#) through [918-480-0010](#);
 - E. 2004 Oregon Structural Specialty Code as adopted by OAR [918-460-0010](#) through [918-460-0016](#); and
 - F. 2004 Oregon Mechanical Specialty Code as adopted by OAR [918-440-0010](#) through [918-440-0040](#). (Ord. 2006-07B)
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View the [mobile version](#).

City of Molalla

City Council Meeting



Agenda Category: Public Hearing

Subject: Consideration of Ordinance No. 2019-16; An Ordinance Changing the Procedure for Processing Preliminary Land Partition Plats from a Type III Public Hearing Procedure to a Type II Administrative Process.

Recommendation: Council Approval

Date of Meeting to be Presented: December 11, 2019

Fiscal Impact: No direct impact. This amendment will save time for staff and customers.

Background:

Consideration of an amendment to Molalla Municipal Code Section 17-4.3.030.A and Table 17-4.1.010 to change the procedure for processing land partition applications from a Type III Public Hearing procedure to a Type II Administrative Decision procedure, appealable to Planning Commission.

Processing partition applications at the staff level would save time for staff and customers on smaller land division of three or less lots. Development from these partitions must still adhere to the same development standards as larger subdivisions. The only difference is that decisions for partitions would reside with staff, subject to appeal to Planning Commission.

When researching this amendment, staff found that most neighboring cities and Clackamas County review partitions through a Type II procedure.

SUBMITTED BY: Alice Cannon, Planning Director

APPROVED BY: Dan Huff, City Manager



ORDINANCE NUMBER 2019-16

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON. AN ORDINANCE CHANGING THE PROCEDURE FOR PROCESSING PRELIMINARY LAND PARTITION PLATS FROM A TYPE II PUBLIC HEARING PROCEDURE TO A TYPE II ADMINISTRATIVE DECISION PROCEDURE, APPEALABLE TO PLANNING COMMISSION.

WHEREAS, Chapter 17-4.3.030 of the Molalla Municipal Code details the process for approval of preliminary plats;

WHEREAS, Table 17-4.1.010 summarizes various land use approvals and review procedures;

WHEREAS, staff recommends that the procedure for land partitions of three lots or less be simplified, expedited and decided at the administrative level without a public hearing; and

WHEREAS, the Planning Commission considered these amendments at its October 2, 2019 meeting and recommends Council approval.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. Chapter 17-4.3.030.A is hereby amended to read as follows:

A. Review of Preliminary Plat. Preliminary plats for partitions shall be processed using the Type II procedure under Section 17-4.1.030. Subdivisions shall be processed using the Type III procedure under Section 17-4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 17-4.3.070.

Section 2. Table 17-4.1.010 Summary of Approvals by Type of Review Procedure is hereby amended to read as follows:

Table 17-4.1.010 Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 17-4.1.020.
Access to a Street	Type I	Chapter 17-3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 17-4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 17-1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 17-4.6
Comprehensive Plan Amendment	Type IV	Chapter 17-4.6
Conditional Use Permit	Type III	Chapter 17-4.4
Home Occupation	No permit, except when required by Chapter 17-4.7.	
Legal Lot Determination	Type I	Chapter 17-1.3
Master Planned Development		
Concept Plan	Type III	Chapter 17-4.8
Detailed Plan	Type I	Chapter 17-4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 17-4.5
Nonconforming Use or Structure, Expansion of	Type I, II or III	Chapter 17-1.4
Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17-4.3
Site Design Review	Type II or III	Chapter 17-4.2
Subdivision or Replat of >3 lots		
Preliminary Plat	Type III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Variance	Type III	Chapter 17-4.7
Zoning District Map Change	Type III or IV	Chapter 17-4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

Section 3. Effective date. This ordinance shall be effective 30 days after passage by Council.

Duly adopted by the City Council of the City of Molalla this 11th day of December 2019.

Keith Swigart, Mayor

ATTEST:

Christie DeSantis, City Recorder

Exhibit B - FINDINGS OF FACT

SUMMARY OF PROPOSED CHANGES:

1. Chapter 17-4.3.030 (A)

Chapter 17-4.3.030 (A) of Molalla Municipal Code currently outlines the procedure for processing partitions as follows:

- A. **Review of Preliminary Plat.** *Preliminary plats shall be processed using the Type III procedure under Section 17-4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 17-4.3.070.*

The proposed amendment would revise the language of Chapter 17-4.3.030 (A) to the following:

- A. **Review of Preliminary Plat.** *Preliminary plats **for partitions** shall be processed using the Type **II** procedure under Section 17-4.1.030. Subdivisions shall be processed using the Type III procedure under Section 17-4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 17-4.3.070.*

2. Table 17-4.1.010

The proposed amendment would modify Row 14 of Table 17-4.1.010 of Molalla Municipal Code as follows:

Table 17-4.1.010 Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
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[Inapplicable table rows not shown]

Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3

[Inapplicable table rows not shown]

RATIONALE FOR PROPOSED CHANGES:

City Staff recommends that partition applications be processed at the staff level, with all decisions appealable to Planning Commission. Processing partition applications would allow for expediency of administration on smaller land divisions of three or less lots that, in and of themselves, have a reduced impact on land use and are limited in scope. Development from these partitions will still be required to adhere to the same development standards as larger

subdivisions. The only difference is that decisions for partitions would reside with staff, subject to appeal to Planning Commission.

When researching this amendment, staff found that most neighboring cities and Clackamas County review partitions through a Type II procedure.

CRITERIA FOR REVIEW:

Amendments to the Development Code shall be in conformance with the following criteria found in Molalla Municipal Code (MMC) Section 17-4.6.030:

- A. If the proposal involves an amendment Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;*

Staff Analysis: This is not applicable since the proposal does not include an amendment to the Comprehensive Plan.

- B. The proposal must be consistent with the Comprehensive Plan*

Staff Analysis:

Comprehensive Plan Goal Analysis:

The applicable Comprehensive Plan Citizen Involvement goal is:

- 5. The City shall provide for a wide range of public involvement in City planning programs and processes. The City should:*
- 5.1. Provide user-friendly information to assist the public in participating in City planning programs and processes, including available sources of media ranging from television (when available and free), radio (when available and free), Internet, newspapers, mailings, and meetings to provide for the highest involvement from citizens.*
 - 5.2. Provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions are made.*
 - 5.3. Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes.*
 - 5.4. Provide data to interested citizens in non-technical and understandable terms.*

- 5.5. Adopt procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.*
- 5.6. Provide data in a manner that is simple enough to give the public an opportunity to understand the issues. This includes technical data submitted by other parties.*

Staff Analysis: The proposed amendment is consistent with this goal. As a Type II decision, partitions will remain subject to public notice procedures for partitions and appealed projects will still be subject to Planning Commission review.

Goal 2: Land Use Planning –

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Staff Analysis:

The proposed amendment will not change the policies or land use regulations for land partitions. The proposal will also not substantially change the decision-making process. Several nearby peer cities process land partitions using a Type II procedure.

Other goals within the Comprehensive Plan are found to be inapplicable.

- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and*

Staff Analysis:

City Staff looked at the development code and processes in the neighboring cities of Woodburn, Canby, Silverton, Oregon City and Clackamas County; and found the proposed change to be consistent with most of these jurisdictions. The City of Canby requires Planning Commission approval of partitions. All other jurisdictions review partitions of three or fewer lots to be handled administratively, with appeals to Planning Commission, if needed. Process consistency with nearby cities seems to be in the public interest, considering it is more efficient, saving the valuable time of the Planning Commission for land divisions larger than three lots.

D. The amendment must conform to Section 17-4.6.050 “Transportation Planning Rule Compliance” to find whether the proposed amendment would have a significant effect on a transportation authority

Staff Analysis:

The proposed amendment will not have any direct effect on transportation facilities. If the amendment is approved, both the City and State Department of Transportation (ODOT) will still have an opportunity to review and comment on all partition requests, if processed using a Type II procedure.