



MOLALLA CITY COUNCIL - MEETING AGENDA

Molalla Adult Center

315 Kennel Ave, Molalla, OR 97038

JANUARY 27, 2021

Mayor Scott Keyser

**Council President Leota Childress
Councilor Elizabeth Klein
Councilor Terry Shankle**

**Councilor Jody Newland
Councilor Crystal Robles
Councilor Steve Deller**

WORK SESSION begins at 6:30pm: Open to the Public, but not open to Public Comment or Testimony

REGULAR COUNCIL MEETING begins at 7:00pm: Open to the Public and open to Public Comment or Testimony. Please fill out a comment card and submit it to the City Recorder, prior to the beginning of the meeting.

EXECUTIVE SESSION begins immediately following Recess of the Regular Meeting: Not open to Public, according to ORS 192.660(2): e

MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance with Governor Brown’s Executive Order 20-25. Council Chambers is limited to 25 people.

The On-Demand replay of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

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 – January 13, 2021.....Pg. 3
- B. Resolution No. 2021-04: WAVE Broadband Franchise Agreement.....Pg. 6
- C. Off-Premise Liquor License Applicaton – North Valley Feed & Mercantile.....Pg. 9

7. PUBLIC HEARINGS

- A. Ordinance No. 2021-01: Amending Section 21.12 and Renumbering to Molalla Municipal Code Section 17-4.9 Regarding Change of Use and Occupancy (Corthell).....Pg. 22
- B. Ordinance No. 2021-02: Annexing Tax Lot 52E05 02002, a 5.97 Acre Parcel Located North of Town Between Rachel Lane and Vick Road, and Assigning an R-1 (Low Density Residential) City Zoning Designation to the Annexed Territory (Corthell).....Pg. 27

8. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2021-01: (First Reading) Amending Section 21.12 and Renumbering to Molalla Municipal Code Section 17-4.9 Regarding Change of Use and Occupancy.....Pg. 22
- B. Ordinance No. 2021-02: (First Reading) Annexing Tax Lot 52E05 02002, a 5.97 Acre Parcel Located North of Town Between Rachel Lane and Vick Road, and Assigning an R-1 (Low Density Residential) City Zoning Designation to the Annexed Territory.....Pg. 27



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9. GENERAL BUSINESS

- A. Disc Golf Course Discussion (Fisher).....Pg. 38
- B. PAL Building Use Discussion (Huff).....Pg. 44
- C. Council Goal Setting Meeting (Huff)
- D. HB2344 – Labels Certain Disposable Wet Wipes with Industry Standard “Do Not Flush” Label (Huff).....Pg. 46

10. STAFF AND COUNCIL REPORTS

11. 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.

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.



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
January 13, 2021

CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Meeting of January 13, 2021 was called to order by Mayor Keith Swigart at 7:00pm.

COUNCIL ATTENDANCE

Mayor Keith Swigart, Council President Leota Childress, Councilor Elizabeth Klein, Councilor Terry Shankle, Councilor Jody Newland, Councilor Crystal Robles.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Gerald Fisher, Public Works Director; Chaunee Seifried, Finance Director; Mac Corthell, Planning Director; Christie DeSantis, City Recorder, Frank Schoenfeld, Police Chief; Chris Long, Lieutenant.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

Mayor Swigart invited Mayor-Elect Keyser to the dias and conducted a swearing-in ceremony. Immediately following, Mayor Keyser swore-in Councilors Robles, Deller, and Newland.

A motion was made by Councilor Shankle to appoint current Council President Childress to be Council President for 2021. Councilor Klein seconded. Vote passed 7-0 with all Councilors voting Aye.

Finance Director Seifried presented the 2021-2022 Budget Calendar to Council. She also shared that Council does not need to appoint the City Manager as the Budget Officer, per Molalla Municipal Charter, Chapter VIII, Section 34 (d)(9).

Council members discussed 2021 Board, Commission, and Committee liaison appointments. *A motion was made by Council President Childress to assign the following: Culture and Art CPC, Councilor Klein; Economic Development CPC, Councilors Robles and Klein; Library Board, Councilor Robles; C4, Mayor Keyser, alternate Councilor Deller; Molalla Area Chamber of Commerce, Councilor Newland. Seconded by Councilor Newland. Vote passed 7-0 with all Councilors voting Aye.*

PUBLIC COMMENT – Items not on the Agenda
None.

APPROVAL OF THE AGENDA

The Agenda was approved as presented.

CONSENT AGENDA

A motion was made by Councilor Newland to approved the Consent Agenda, seconded by Council President Childress. Vote passed 7-0, with all Councilors voting Aye.

PUBLIC HEARINGS

None.

ORDINANCES AND RESOLUTIONS

A motion was made by Councilor Newland to hold the Second Reading of Ordinance 2020-10, seconded by Councilor Robles. Mayor Keyser read Ordinance 2020-10 by title only. Vote passed 7-0, with all Councilors voting Aye.

A motion was made by Councilor Newland to approve Ordinance 2020-10, seconded by Councilor Robles. Vote passed 7-0, with all Councilors voting Aye.

Planning Director Corthell explained to Council the need for a Zoning Letter fee. Zoning Letters take a few hours of staff time and there is currently no fee attached. There is no fee for small items that take less than 30 minutes of staff time.

Councilor Deller made a motion to approve Resolution 2021-02, Councilor Childress seconded. Vote passed 7-0, with all Councilors voting Aye.

Resolution 2021-03, a resolution for Molalla Sanitary Service Franchise Fee, was brought to Council for approval. Council was presented with the rate increase in December, requiring staff to bring back a resolution.

Councilor Robles made a motion to approve Resolution 2021-03, seconded by Councilor Newland. Vote passed 7-0, with all Councilors voting Aye.

GENERAL BUSINESS

City Manager Huff presented Council with two packets of information for the upcoming Council Retreat. One packet contained 2020 Council Goals with a status of what had been completed, the other packet had suggested topics for the 2021 Council Retreat.

Amy Grace, Molalla Resident, spoke to Council members regarding her concerns with Re-Open Molalla.

Mayor Keyser informed audience members as well as those watching, that his participation in Main Street Mayor's reflects his opinions of re-opening Molalla, not the Council nor City Staff opinion.

Councilor Deller read a letter he wrote to Governor Brown, Senator Girod, and Representative Rick Lewis. He asked that the Council each sign their name if they are all comfortable. Councilors were in full support of Councilor Deller, and requested a few changes be made to the letter. (Changes to the letter are reflected on the City website, under Supporting Documents of this meeting.)

STAFF AND COUNCIL REPORTS

Ms. DeSantis had nothing to report.

Ms. Seifried mentioned the option of Direct Deposit for stipend checks for Councilors. This will be discussed further at the Council Retreat.

Mr. Corthell shared a flyer for an upcoming event being held for the Molalla Vision and Action Plan. It is scheduled for January 28, 2021 from 7-8pm at the Foothills Community Church.

He also shared that restaurant owners can apply for Covid-19 Restaurant Relief. Currently, one restaurant has taken advantage of this, which is San Blas Restaurant. This is for assistance with proper outdoor dining structures.

Mr. Huff informed Council that we will return to holding Work Sessions before Council as early as the next meeting. The first topic will be SDC's.

He also shared that there was a design error with the Hwy. 211 Bike and Ped Path project, therefore causing delays. At this time, the project is scheduled to begin in February 2021.

Councilor Deller thanked the community of Molalla for their vote. He also thanked Mr. Swigart for his service as Mayor. Mr. Deller encouraged community members to stay involved by helping restaurant owners by ordering take-out, donating to a non-profit, and asking small business what help is needed to get them through this time.

Councilor Robles thanked citizens for their votes. She shared that Molalla Youth Sports is doing what they can to keep kids moving. They are holding a weekly challenge that is helping keeping kids involved. She also thanked the community for positive movement, that has brought positive action.

Councilor Newland reminded citizens that Councilors are approachable. She encouraged folks to contact them with questions.

Councilor Shankle stated that she is looking forward to working with newly elected Mayor Keyser and Councilor Deller.

Council President Childress shared a brief report on the Molalla Warming Center, it has been moved to the Molalla Nazarene Church. Holding the Warming Center at the PAL Building would only serve four patrons at a time due to Covid-10 restrictions. Having the Warming Center at the Church allows more patrons. President Childress requested help with volunteers, and that shifts are available.

Councilor Klein welcomed Mayor Keyser and Councilor Deller to the team. She thanked Councilor Robles for her work on translating the Vision and Action Plan event flyer to a spanish document.

Mayor Keyser thanked City staff for their work in helping him prepare for his first meeting. He reminded community members that the Council works for them. He asked that suggestions, comments, and concerns be brought to Council.

Mayor Keyser has a passion for Molalla Youth Sports and getting kids involved. Scholarships are available to students that would like to participate. He encouraged parents to contact MYS for scholarship details. Chief Schoenfeld also shared that some Police Department staff have a voluntary check deduction each month, to donate to the MYS Scholarship Fund.

ADJOURN

Meeting adjourned at 8:23pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category: Consent Agenda

Subject: Resolution No. 2021-04, A Resolution to Approve WAVE Broadband, LLC. Franchise Agreement Rate Increase

Recommendation: Approve

Date of Meeting to be Presented: November 19, 2020 – Resolution January 27, 2021

Fiscal Impact:

Background:

WAVE Broadband, LLC. notified the City in late October regarding an upcoming rate increase. Notification was provided to Council; however, a Resolution was not presented at that time.

This Resolution brings us to compliance with all current City Franchise Agreements.

Recommended Motion: Approve

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



RESOLUTION NO. 2021-04

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON
APPROVING WAVE BROADBAND, LLC. RATE INCREASE AS
CHANGE IN FRANCHISE AGREEMENT**

WHEREAS, The Franchise Agreement between WAVE Broadband, LLC. specifies that the City Council shall be apprised of any rate adjustment for services; and

WHEREAS, WAVE Broadband, LLC. has submitted a rate adjustment to the City of Molalla; and

WHEREAS, The proposed fees for service is hereby listed as "Attachment A" to this Resolution; and has been reviewed by the Molalla City Council as the governing body; and

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

Section 1. Based upon the above findings, be it resolved by the City Council of the City of Molalla, the fees listed for the City of Molalla are hereby established and recognized as listed.

Section 2. Effective Date. Effective this 27th day of January 2021.

Signed this 27th day of January 2021.

Scott Keyser, Mayor

ATTEST:

Christie DeSantis, City Recorder

October 26, 2020

Molalla City Hall
PO Box 248
Molalla, OR 97038

RECEIVED
OCT 29 2020

wave

BY:

RE: WaveDivision Holdings, LLC (“Wave Broadband”); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the Molalla City Hall. Wave Broadband will be adjusting the retail price of some of its services starting December 1, 2020.

The monthly rates for the following TV services will be adjusted: the Local Broadcast tier of service will increase by \$2.00. The costs associated with this tier helps to maintain the access and transport of cable and broadcast channels across our network. The Local TV Stations’ Fee will increase by \$4.07. Local Broadcast stations levy a monthly fee for carriage of their content; this fee helps offset those costs. The Expanded Content channel tier (also known as Basic Cable), and any packages including that service, will increase by \$3.09. Networks included on this tier of service levy a monthly fee for the carriage of their content; this fee helps offset the cost of programming content. All TV equipment will increase by \$1.99.

The monthly rates for the following Internet services will be adjusted: cable modems will increase by \$2.00. The Internet Infrastructure Fee will also increase by \$1.20. This fee helps defray costs associated with the building and maintaining of Wave’s fiber rich broadband network, as well as the costs of expanding network capacity to support the continued increase in customers’ average broadband consumption; this has been especially crucial this past year as we all work, school, and play at home.

We will also be implementing a 2% Regulatory Recovery Fee on our telephone service. This fee is assessed by Wave to recover the cost of complying with certain federal, state, and/or local impositions related to voice service. It is a monthly charge to defray a portion of the fees paid to support government programs such as Telecommunications Relay Service and Local Number Portability, along with other charges assessed by the FCC, and additional indirect costs associated with administering and complying with government programs.

The rate changes are not a customer tax or a fee assessed by a government agency; they are fees and/or costs Wave assesses and retains. They are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges. Customers will receive detailed information covering the rate changes with their billing statement.

At Wave, we work hard to ensure the communities we serve have access to the fastest and most reliable Internet, TV and phone services. Each and every day, we endeavor to deliver high-quality services at a great value and have always aimed to put our customers first. We will continue to invest in our network to bring customers the latest technologies while enhancing their service experience.

We thank you, as always, for the opportunity to serve your community.

Sincerely,

Jared Sonne
SVP, Operations
Wave Broadband

City of Molalla

City Council Meeting



Agenda Category: Consent Agenda

Subject: Off-Premises Liquor License Application – North Valley Feed & Mercantile

Recommendation: Approve

Date of Meeting to be Presented: January 27, 2021

Fiscal Impact: N/A

Background:

North Valley Feed & Mercantile is requesting an Off-Premises Liquor License. They would like to sell alcoholic beverages through the Mercantile.

Recommended Motion: Approve

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



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: _____ Name of City or County: _____ Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ Date: _____
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	
<input checked="" type="checkbox"/> Off-Premises	OLCC USE ONLY Date application received: _____ Date application accepted: _____
<input type="checkbox"/> Warehouse	License Action(s): _____
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)¹** applying for the license(s):

North Valley Feed & Mercantile LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See) North Valley Feed & Mercantile		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 603 W Main		
City Molalla	County Clackamas	Zip Code 97038

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Gary Last	Todd First	Joseph Middle
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2. Other names used (maiden, other):

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes No
 If yes, you must list your SSN:

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box:

5. Date of Birth (DOB):			1
	(mm)	(dd)	(yyyy)

6. Driver License or State ID #:	7. State OR
----------------------------------	-------------

8. Contact Phone: _____

9. E-mail Address: NVfeed@yahoo.com

10. Mailing Address:		Molalla	OR	97038
	(Number and Street)	(City)	(State)	(Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?
 No Yes (If yes, explain in the space provided, below) Unsure Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **hold** or **previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Gary Last	Todd First	Joseph Middle
Signature:	_____		Date: 12/29/2020



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Meuret	Nicholas	
	Last	First	Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If yes, you must list your SSN: _____			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	0_		
	(mm)	(dd)	(yyyy)
6. Driver License or State ID #:			7. State Oregon
8. Contact Phone: _____			
9. E-mail Address: NVfed@yahoo.com			
10. Mailing Address:			
	(Number and Street)	(City)	(State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?			
No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **hold** or **previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Meuret	Nicholas	
		First	Middle
Signature:			Date: Dec. 29, 2020



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

IMPORTANT: Please read Oregon Administrative Rule (OAR) 845-005-0311 [here](#) before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

North Valley Feed & Mercantile

Business Trade Name (the name customers see)

603 W Main, Molalla, 97038

Business Address (street, city, zip code)

Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION

All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

North Valley Feed & Mercantile

Business Trade Name (the name customers see)

603 W Main, Molalla, 97038

Business Address (street, city, zip code)

Applicant(s) Signature

- Each individual listed as an applicant must sign this form.
- If an applicant is an entity, such as a corporation or LLC, at least one INDIVIDUAL who is authorized to sign for the entity must sign this form.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign this form. If an individual other than an applicant signs this form, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

12/29/2020

Date

If an attorney

(Print Name)

(State of bar licensure)

(Bar number)

If an applicant

Todd Gary

Applicant #1 (Print Name)

Applicant #1 (Signature)

Applicant #2 (Print Name)

Applicant #2 (Signature)

Applicant #3 (Print Name)

Applicant #3 (Signature)

Applicant #4 (Print Name)

Applicant #4 (Signature)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: North Valley Feed & Mercantile Phone: 503-829-8060

Trade Name (dba): _____

Business Location Address: 603 W Main

City: Molalla ZIP Code: 97038

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	<u>9</u>	to	<u>6</u>
Wednesday	<u>9</u>	to	<u>6</u>
Thursday	<u>9</u>	to	<u>6</u>
Friday	<u>9</u>	to	<u>6</u>
Saturday	<u>9</u>	to	<u>2</u>

Outdoor Area Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

The outdoor area is used for:

Food service Hours: _____ to _____

Alcohol service Hours: _____ to _____

Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: _____	Outdoor: _____
Lounge: _____	Other (explain): _____
Banquet: _____	Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: 12/29/2020



Oregon Liquor Control Commission

LIMITED LIABILITY COMPANY (LLC) QUESTIONNAIRE

PRINT FORM

RESET FORM

LLC Name North Valley Feed & Mercantile LLC

Trade Name of Business (Name Customers Will See) North Valley Feed & Mercantile

The LLC named in this document is a (see page 1 for definitions): Manager-Managed LLC Member-Managed LLC

This section is ONLY for a manager-managed LLC. (Directions on page 1. You may include information on a separate sheet.)

Name of Managing Member (please print)	Name of Managing Member (please print)

This section is for BOTH a manager-managed LLC and a member-managed LLC. (Directions on page 1. You may include information on a separate sheet.)

Name of Member (please print)	Percentage of issued membership held
Todd Gary	50
Nick Meuret	50

This section is ONLY for an LLC with the listed officers. (Directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President	
Secretary	
Treasurer	
Vice president with responsibility over the operation of the business	

SERVER EDUCATION DESIGNEE (Directions on page 1)

Name (please print)	Date of Birth

SIGNATURE (Directions on page 1)

NAME of Signing Person (please type or print) Todd Gary

DATE 12/29/2020

SIGNATURE of signing person (may electronically sign)

This box for OLCC use ONLY

Only for an applicant of record: SOS Number _____ Current at time of issuing license (yes/no) _____

Does the entity hold, or has it ever held, an OLCC-issued liquor license? _____



OREGON LIQUOR CONTROL COMMISSION

SAMPLE TASTING APPLICATION OFF-PREMISES SALES LICENSE

Applicant Name (this is the individual person or legal entity owner of business)

North Valley Feed & Mercantile

Is applying to provide sample tastings of malt beverages, wine, and/or cider at the following location:

Trade Name (DBA) North Valley Feed & Mercantile

Business Location Address 603 W Main

City Molalla

Zip Code 97038

Tastings will be provided only in the following described area and customers may not leave this area with a sample taste of alcohol: (describe area, including boundaries, or attach an 8½" x 11" floor plan drawing that clearly identifies the area and boundaries).

The applicant named above will follow the requirements of OAR 845-006-0450 (see back of this form). I affirm that I am authorized to sign this application on behalf of the applicant.

Name (please print): Todd Gary

Signature: _____

OLCC USE ONLY. Application approved:

By: _____

Date: _____

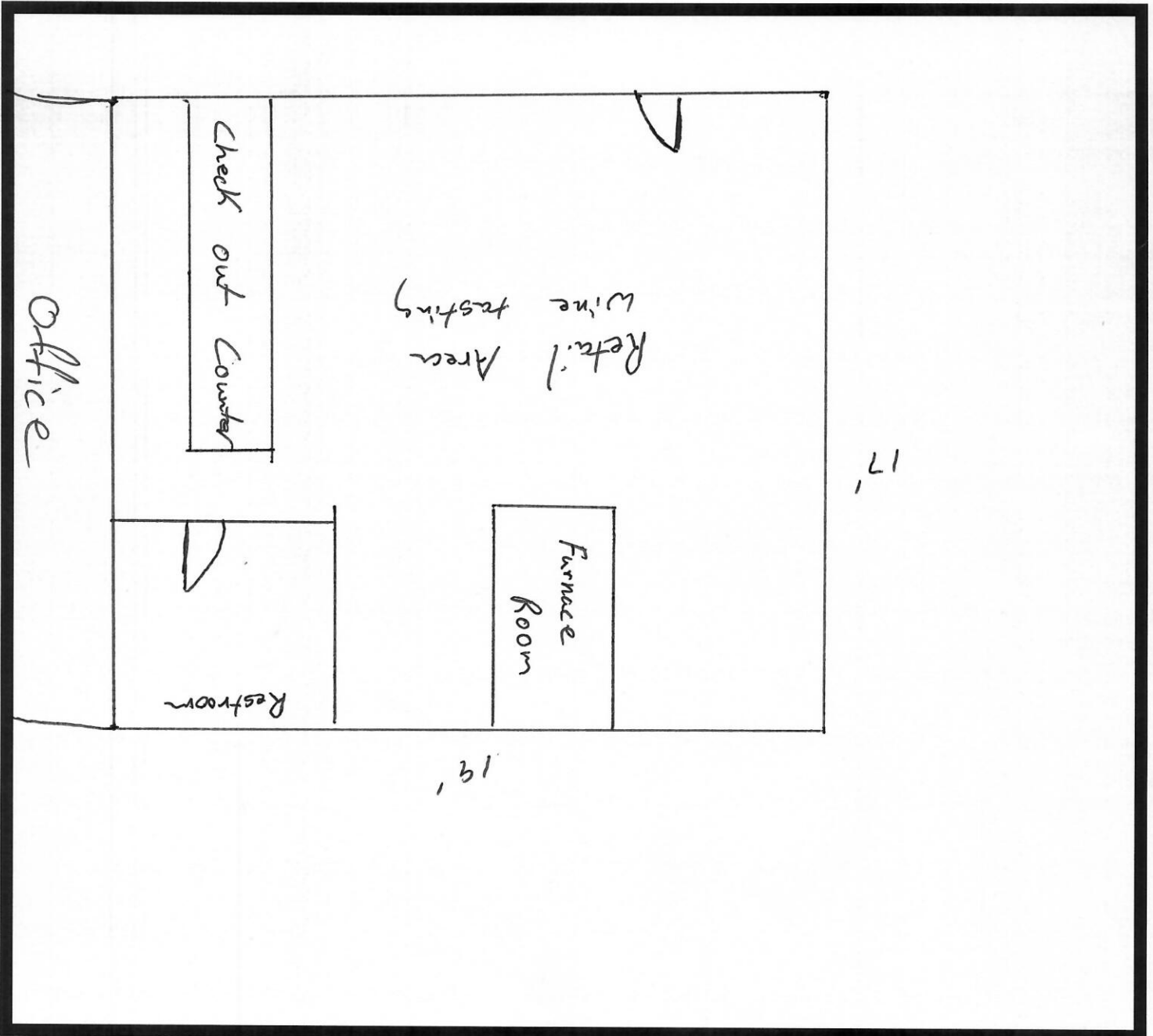
Oregon Liquor Control Commission
www.oregon.gov/olcc

(rev. 3.5.17)



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



North Valley Feed & Mercantile
Applicant Name

Trade Name (dba):
Molalla 97038
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: _____ Initials: _____



Planning Department
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 759-0205
communityplanner@cityofmolalla.com

Staff Report – Code Correction ORDINANCE 2021-01

Subject: Correction of the Municipal Code to renumber and clarify the “Change of Occupancy” section.

Staff Recommendation: Adopt.

Date of Meeting to Be Presented: Wednesday, December 2, 2020 (Planning Commission Review), January 27, 2020 (Public Hearing and Council Action).

Background:

Proposed Change 1:

MMC 21.12 Change of Occupancy contains 3 sub-sections, 21.12.010 Change of Use Requirements, 21.12.020 Permitting Process, 21.12.300 Fee.

- a. First, modifying the provisions as proposed in Exhibit A to clarify the ordinance.
- b. Second, renumbering as proposed in Exhibit A to situate the regulation with other land use related regulations in the Development Code (Title 17).

Planning Commission recommended approval of this ordinance at their 12/2/20 meeting.

35-day DLCD notice of this public hearing and meeting was completed on 11/25/20, 63 days in advance.

10-day Public Notice of the Public Hearing was published in the Molalla Pioneer on 1/13/21.

The ordinance was available to the public at City Hall on 1/4/21, 23 days prior to this meeting.

RATIONALE FOR PROPOSED CHANGE:

The proposed change clarifies the statute by (1) using both “change of use” and “change of occupancy” in the ordinance where they were previously interchanged causing ambiguity; (2) defining the application used to access the process; (3) removing language that specified certain operations already required under the change of use/occupancy process as a whole; (4) Reorganizing and defining the process to increase understanding and access to the process.

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:

CRITERION A: If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

Staff Analysis:

The proposal does not include an amendment to the Comprehensive Plan. This criterion is inapplicable.

CRITERION B: The proposal must be consistent with the Comprehensive Plan

Staff Analysis:

The proposal does not change the effect of the ordinance, it only renumbers and clarifies it. This ultimately enhances access to the process and decreases confusion for applicants. This criterion is met.

CRITERION 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:

The proposed amendment corrects an inconsistency in the Development Code. The ordinance at issue is a land use ordinance in that it literally deals with the use of land and structures. It was not appropriately cabined in the development code which made it harder to find. The language in the ordinance was also inconsistent and the processes prescribed were consistent with the development code, but very unclear.

CRITERION 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 have no impact on Molalla’s statewide transportation facilities. This criterion is not applicable.

Adoption

This ordinance was available to the public, in writing, on January 4, 2021 (23 days before this meeting), and can be adopted by a unanimous vote of the City Council.

Proposed Motion:

1. Adopt

a. I move that the Molalla City Council adopt Ordinance 2021-01 AMENDING AND RENUMBERING MMC SECTION 21.12 and ADOPTING THE RELEVANT FINDINGS IN THE STAFF REPORT.



ORDINANCE NUMBER 2021-01

**AMENDING MOLALLA MUNICIPAL CODE SECTION 21.12 AND
RENUMBERING TO MOLALLA MUNICIPAL CODE SECTION 17-4.9
REGARDING CHANGE OF USE AND OCCUPANCY**

WHEREAS, Change of Use and Occupancy is inherently a development related process; and

WHEREAS, Development related processes are most appropriately cabined in the Title 17 Development Code section of the Molalla Municipal Code (MMC); and

WHEREAS, The MMC currently has the Change of Use and Occupancy provisions in the Title 21 Additional Regulations section of the MMC; and

WHEREAS, The language in the current Change of Use and Occupancy provisions is ambiguous; and

WHEREAS, The Molalla Planning Commission recommended adoption of this Ordinance; and

WHEREAS, Ambiguous language in the MMC should be clarified to ensure accessibility.

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

Section 1. Molalla Municipal Code (MMC) Section 21.12 is hereby amended and renumbered in accordance with Exhibit "A."

Section 4. Effective Date. The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this 27th day of January 2021.

Mayor Scott, Keyser

ATTEST:

Christie DeSantis, City Recorder

Exhibit A

Ordinance 2021-01

TEXT OF PROPOSED CHANGE:

Current code language is in black font, proposed additions are in red font, proposed deletions have been lined out

Chapter ~~21.12~~ 17-4.9 CHANGE OF USE OR OCCUPANCY

17-4.9.010 ~~21.12.010~~ Change of use Requirements.

- A. Any change of use **or occupancy** that differs from the existing or previous use **or occupancy** is required to **submit a zoning checklist pursuant to MMC section 17-4.1.020.** ~~go through a change of use.~~
- B. ~~The Planning Director shall, at a minimum, review the parking requirements for all changes of use.~~
- C. If the Planning Director deems the change of use **or occupancy** to be a change from the previous **or existing** use **or occupancy**, the use shall go through a **site** design review, as applicable, **procedure** pursuant to Chapter **17-4.2.020.** ~~19.08.~~
- D. ~~The Building Official shall also review the change of use through the building permit process. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

17-4.9.020 ~~21.12.020~~ Permitting process.

- A. A person proposing a change of use **or occupancy** shall submit **a zoning checklist** ~~an application~~ to the Planning Director.
- B. The Planning Director shall **confer with the appropriate City Departments, County Departments, Special Districts, and State Agencies.** ~~circulate the application to the Public Works Director and other City agencies as appropriate.~~
- C. Upon conference with the appropriate entities, the Planning Director shall **approve the change, deny the change, or prescribe the required processes to gain approval.** (Ord. 2010-15 §1; Ord. 2010-04 §1)

~~21.12.300~~ Fee.

~~A change of occupancy shall be subject to a fee as set by City Council resolution. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

City of Molalla

City Council Meeting



Agenda Category: Public Hearing

Subject: Consideration of Ordinance No. 2021-02; An Ordinance annexing tax lot 52E05 02002; a 5.97 acre parcel located north of town between Rachel LN and Vick RD and assigning an R-1 (Low Density Residential) City zoning designation to the annexed territory.

Recommendation: Council Approval

Date of Meeting to be Presented: January 27, 2021

Fiscal Impact: The property is currently undeveloped. Fiscal impact and future revenue generation will be determined later.

Background:

The applicant is proposing to annex a 5.97-acre property contiguous property into the City of Molalla. Consistent with the Molalla Comprehensive Plan, the applicant is proposing that the property be re-zoned as Low-Density Residential (R-1). No new development is proposed at this time.

The triangular shaped subject property is located north of town between Rachel LN and Vick RD. The property slopes gently to the north where it comes nearly to a point. It's current use is as an agricultural field with trees lining the southern and eastern borders. There are no structures on the property. The current Clackamas County zone is Exclusive Farm Use (EFU). The site is located inside Molalla's Urban Growth Boundary and designated R-1 in the Comprehensive Plan. The property is surrounded by R-1 designated properties within the City Limits to the south, agricultural land to the north and west, and an abandoned railroad property and more agricultural land to the east.

SUBMITTED BY: Mac Corthell, Planning Director

APPROVED BY: Dan Huff, City Manager



ORDINANCE NUMBER 2021-02

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON
ANNEXING TAX LOT 52E05 02002; A 5.97 ACRE PARCEL LOCATED
NORTH OF TOWN BETWEEN RACHEL LANE AND VICK ROAD, AND ASSIGNING
AN R-1 (LOW DENSITY RESIDENTIAL) CITY ZONING DESIGNATION
TO THE ANNEXED TERRITORY**

WHEREAS, The City of Molalla Charter, Chapter X, Section 38 requires petitions to annex territory into the City limits to be submitted to the electors of the City; and

WHEREAS, ORS 222.127 supersedes City Charters and Ordinances requiring a petition to annex territory into the City limits to be submitted to the electors of the City, and requires cities to follow a separate framework for Annexation under certain circumstances; and

WHEREAS, The circumstances are present in this application that require the City to apply ORS 222.127 in lieu of the City Charter annexation of territory; and

WHEREAS, The property owners submitted an application for Annexation of Tax Lot 52E05 02002; a 5.97 parcel located north of town, within the current Urban Growth Boundary, between Rachel Lane and Vick Road; and

WHEREAS, the City of Molalla is authorized to annex territory under Oregon Revised Statutes (ORS) Chapter 222 and Molalla Municipal Code (MMC) Sections 17-1.2.060, Table 17-4.1.010, and 17-4.1.050; and

WHEREAS, the owners submitted a concurrent Annexation and Zone Change application assigning an R-1 (Low-Density Residential) City zoning designation as prescribed by the Molalla Comprehensive Plan to The Property; and

WHEREAS, Public Notice of the Annexation request and the Zone Change request was separately provided consistent with both MMC Section 17-4.1.050.C and ORS 227.186; and

WHEREAS, the Molalla City Council conducted a legislative Public Hearing on January 27, 2021, where Council heard and considered testimony and evidence presented by the City staff, the Applicant, and those appearing at the Public Hearing; and

Ordinance No. 2021-02: An Ordinance Annexing Tax Lot 52E05 02002, a 5.97 Acre Parcel Located N. of Town

WHEREAS, after the conclusion of the Public Hearing Council determined the annexation is consistent with all applicable legal requirements of state law, and City Ordinances related to annexing property and voted to approve the application; and

WHEREAS, after the conclusion of the Public Hearing Council determined the Zone Change is consistent with all applicable legal requirements of state law, and City Ordinances related to annexing property and voted to approve the application.

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

Section 1. The Council approves and endorses the annexation application for the Property described in Exhibit 1, and shown in Exhibit 2 and Exhibit 3 (the property);

Section 2. The existing Clackamas County zoning for the Property, Exclusive Farm Use (EFU) is changed to the R-1 (Low-Density Residential) City zoning designation in accordance with the City of Molalla Comprehensive Plan;

Section 3. The findings in support of the annexation and Zone Change, attached as Exhibit 4 and incorporated herein by reference, are hereby adopted.

Section 4. Notice to Utilities. In accordance with ORS 222.005, the City Recorder shall, no later than 10 working days after passage of this Ordinance of the proposed annexation, provide by certified mail to all public utilities operating within the City, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's Ordinance approving the annexation.

Section 5. Notice to County. In accordance with ORS 222.010, the City Recorder shall report to the Clackamas County Clerk and County Assessor all changes in the boundaries of limits of the City. The report shall be filed by the City within 10 days from the effective date of this Ordinance.

Section 6. Assessor Valuation. In accordance with ORS 222.030 the City Recorder shall request that the County Assessor furnish within 20 days of official request, a statement showing for the current fiscal year assessed valuation of the Property.

Section 7. Notice to Secretary of State. In accordance with ORS 222.177 the City Recorder shall transmit to the secretary of State:

- a) A copy of this Ordinance proclaiming the annexation.
- b) A copy of the statement of consent for all electors or landowners of the Property who consented to the annexation under ORS 222.170.

Section 8. Effective Date. This Ordinance shall be effective 30 days after adoption by the City Council and approval by the Mayor.

The first reading of this Ordinance was held on January 27, 2021 and was passed by a vote of ____ Aye and ____ Nay votes.

The second reading of this Ordinance was held on _____ and was adopted by a vote of ____ Aye and ____ Nay votes.

This Ordinance is hereby adopted this ____ day of _____ 2021.

Scott Keyser, Mayor

ATTEST:

Christie DeSantis, City Recorder

EXHIBIT 1 - Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, That FRANCES ALBERTA RUSSELL, also known as FRANCES A. RUSSELL and OTTO RUSSELL, Grantor, for consideration as hereinafter stated to ME paid by the Grantees herein, do hereby grant, bargain, sell and convey unto DALE A. BYSTROM and JULIE ANN BYSTROM

husband and wife, Grantees, as tenants by the entirety, the following described real property, situate in the County of Clackamas and State of Oregon, to-wit:

Part of the Joseph T. Wingfield D.L.C. No. 48, in Sections 4, 5 and 8, T. 5S, R. 2E., of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron pipe in the North Boundary of said D.L.C. which is North 82° 03' West, 1956.9 feet from the Northeast corner of said D.L.C.; thence South 8° 29' West 2681.00 feet to a point; thence South 82° East 660.00 feet to a point; thence North 8° East to a point on the Southwesterly right of way line of the Southern Pacific Railway; thence Northwesterly along said right of way line to the North boundary of said D.L.C.; thence North 82° West to the point of beginning.

To Have and to Hold the granted premises unto the said Grantees, as tenants by the entirety, their Heirs and Assigns forever.

The Grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, EXCEPT - Taxes for the year 73/74: \$430.10 Pd., Code 35-7 A/C #34822. The rights of the public in and to that portion of the above property lying within the boundaries of roads.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as stated above.

The true and actual consideration for this transfer is \$ 55,000.00. (*Strike inapplicable phrases—the dollar amount should include all encumbrances to be paid by purchaser.)

Witness my hand and seal this 1 day of August, 1974.

Frances Alberta Russell (SEAL)
Frances Alberta Russell, aka Frances A Russell
Otto Russell (SEAL)
Otto Russell (SEAL)

STATE OF OREGON }
County of Clackamas } ss.

STATE OF OREGON }
County of } ss.

On this 1 day of August, 1974, personally appeared the above named Frances Alberta Russell also known as Frances A. Russell and Otto Russell,

I certify that the within instrument was received for record on _____ at _____ o'clock _____, and was recorded in Book _____ Page _____ Record of Deeds of said county.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Recorder of Conveyances

Before me, *[Signature]*
Notary Public for Oregon
My Commission Expires 2-5-77

By _____ Deputy

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

WARRANTY DEED Tenancy by the Entirety

Department of Oregon Office
General Services Building
Salem Oregon 97306

Furnished as a courtesy by WILLAMETTE VALLEY TITLE CO.

Return to: *Dale Bystrom*
213 2nd St
Seaside, Oregon
4-207 M. GEORGE T. POPPEN, County Clerk

SEAL DOCUMENT

RECORDED AUG 6 - 1974

74 22056 74 ~~88888~~

EXHIBIT 2 – PROPERTY REPORT



Geographic Information Systems
168 Warner-Milne Rd
Oregon City, OR 97045

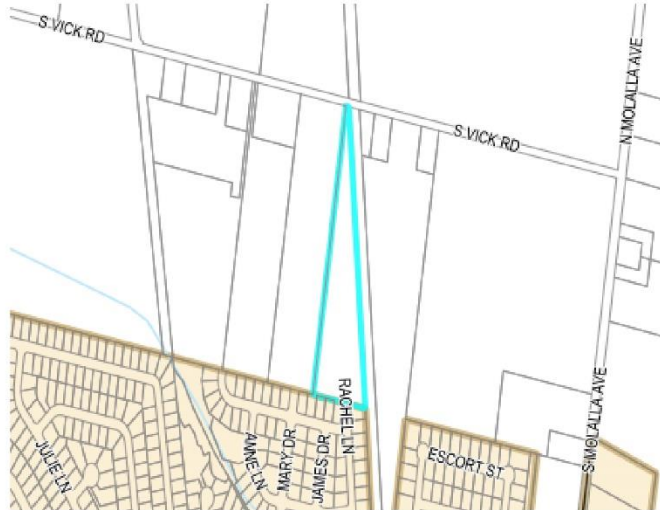
Property Report

BYSTROM DALE A TRUSTEE
38589 S BLAIR RD
MOLALLA, OR 97038

Site Address: **NO SITUS**
Taxlot: **52E05 02002**
Land Value: **522963**
Building Value: **0**
Total Value: **522963**

Acreage: **5.97**
Year Built:
Sale Date: **04/03/2015**
Sale Amount: **0**
Sale Type: **S**

Location Map:



Land Class:

540

Building Class:

Neighborhood:

City of Molalla all other

Taxcode Districts: **035002**

Fire: **Molalla RFPD #73**
Park: **N/A**
School: **Molalla River**
Sewer: **N/A**
Water: **N/A**
Cable: **n/a**
CPO: **City**
Garb/Recyc: **Molalla Sanitary**
City/County: **Clackamas Co.**

Site

UGB: **MOLALLA**

Flood Zone: **Not Available**

Zoning Designation(s):

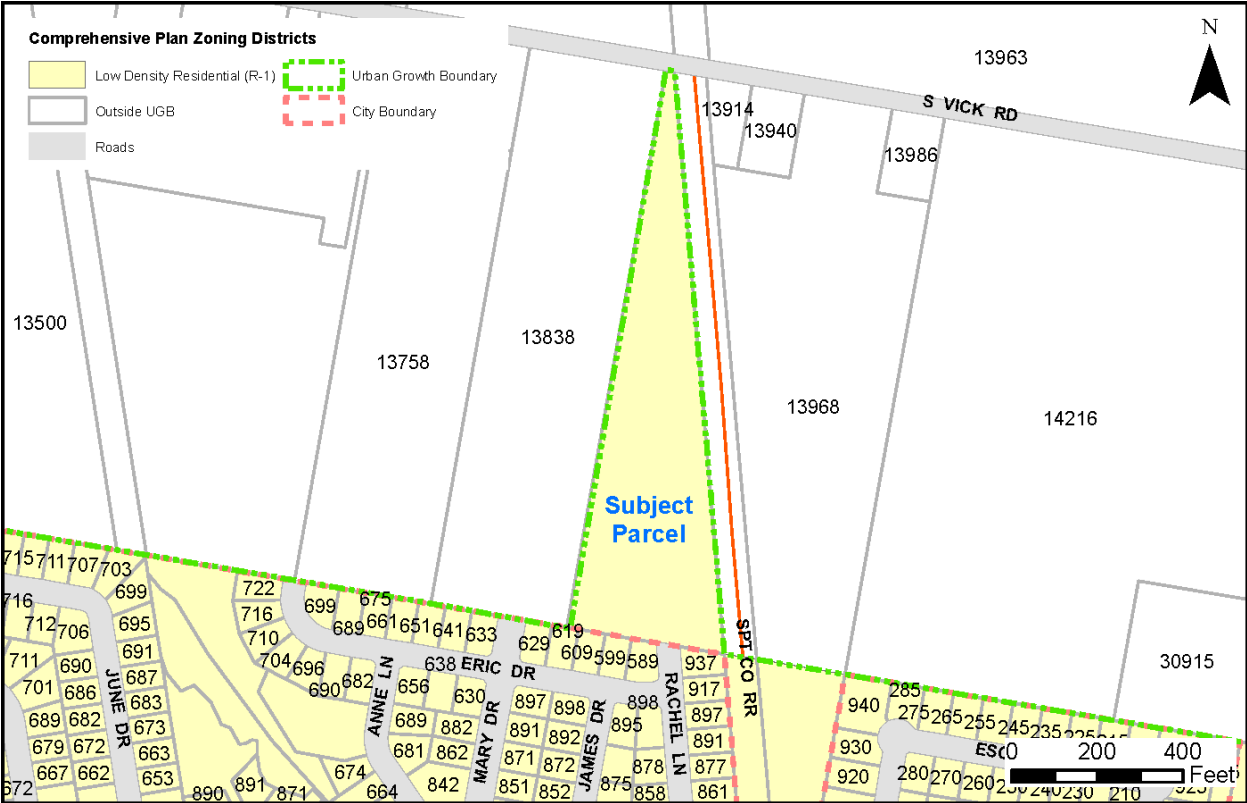
Zone Overlays: Acreage:

EFU N/A 5.97

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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EXHIBIT 3 – Proposed Zoning As Dictated By The Molalla Comprehensive Plan



DRAFT

EXHIBIT 4 – FINDINGS OF FACT

Oregon Revised Statute 222.127 – Applies only to Annexation

1. *This section applies to a City whose laws require a petition proposing annexation of territory to be submitted to the electors of the City.*

Staff Response: ORS 222.127 applies to this application and, by its language supersedes Chapter X, Section 38 of the City of Molalla’s charter, which requires that petitions for annexation be submitted to the electors of the City.

2. *Notwithstanding a contrary provision of the City charter or a City ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the City shall annex the territory without submitting the proposal to the electors of the City if:*

Finding: The City is in receipt of a petition proposing annexation of the territory described in Exhibits 1-3 of Ordinance 2021-02. The petition was filed by all of owners of land in the described territory.

This criterion is met.

- a. *The territory is included within an urban growth boundary adopted by the City or Metro, as defined in ORS 197.015;*

Finding: The subject property is within the current City of Molalla urban growth boundary.

This criterion is met.

- b. *The territory is, or upon annexation of the territory into the City will be, subject to the acknowledged comprehensive plan of the City;*

Finding: The territory in question is anticipated and included in the current City of Molalla Comprehensive Plan. Upon annexation the property will be subject to Molalla’s current Comprehensive Plan.

This criterion is met.

- c. *At least one lot or parcel within the territory is contiguous to the City limits or is separated from the City limits only by a public right of way or a body of water;*

Finding: The southern border of the subject property is contiguous to the City limits.

This criterion is met.

d. *The proposal conforms to all other requirements of the City's ordinances.*

Finding: The subject property is currently vacant. Any development shall comply with the City's Municipal Code.

This criterion is met.

3. *The territory to be annexed under this section includes any additional territory described in ORS 222.111 (Authority and procedure for annexation) (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing City*

Finding: No additional territory is required. The territory in question is sufficient to locate infrastructure and right of way access for services necessary to develop the territory at issue in Ordinance 2021-02.

This criterion is met.

4. *When the legislative body of the City determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the City by an ordinance that contains a description of the territory annexed. [2016 c.51 §2]*

Finding: The criteria described subsection 2 apply to the territory proposed for annexation. Therefore, the City Council shall annex the territory without submitting the proposal to the electors of the City. Ordinance 2021-02 contains the required description of the territory annexed.

This criterion is met.

17-4.3.070 Zone Change Criteria – Applies to Annexation and Zone Change Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

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

Finding: Neither the annexation or zone change action amends the Comprehensive Plan.

This criterion is not applicable.

B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

Finding: The Molalla Comprehensive Plan includes the territory at issue with a zoning designation of R-1, Low-Density Residential, as proposed. The proposal is consistent with the Comprehensive Plan.

This criterion is met.

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;

Finding: The proposed zone change is in the public interest with regard to community conditions. The most recent buildable lands inventory showed a deficit in needed residential lands, this deficit has continued to grow as the population has grown, but buildable lands have not been added. This annexation and zone change will add buildable lands to the residential inventory.

The proposal responds to changes in the community and corrects an inconsistency with the comprehensive plan. The territory in question is being annexed under ORS 222.127 and is currently zoned Exclusive Farm Use (EFU). The addition of this land will increase the residential buildable lands inventory that was already at a deficit when conducted and is at more of a deficit now due to population increases. Additionally, the EFU designation of this territory is not consistent with the Comprehensive Plan. The zone change will cure that inconsistency.

This criterion is met.

D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance

Finding: The City of Molalla would be the applicable roadway authority for the subject parcel as it is developed. The proposal does not significantly affect the existing or planned transportation system because future development will be consistent with the adopted Comprehensive Plan and Transportation System Plan which already contemplates the territory at issue in this application.

This criterion is met.

DRAFT

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Disc Golf Course Relocation

Recommendation: Council Approval

Date of Meeting to be Presented: January 27, 2021

Fiscal Impact: Parks Fund

Background:

The design and construction of an ADA accessible pathway and picnic areas at Clark Park is underway and the disc golf course needs to be relocated to an area that is not in conflict with other park uses and neighboring property owners. This relocation should improve the disc golf experience as staff has been approached by users that the existing course difficulty is not conducive to all player levels. The relocation will allow staff to potentially lengthen the course and allow for possible future expansion of the course if relocated to Ivor Davies Park. Staff intends to relocate the course prior to construction of the Phase 4 improvements to Clark Park later this summer. Please see attached letter of support, images of existing course, proposed pathway improvements, and proposed course at Ivor Davies Park.

Staff recommends City Council approve the disc golf course relocation to Ivor Davies Park.

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

To Whom it May Concern:

I am writing this letter on behalf of the Molalla Buckeroo Association regarding the problems and continuous property damage caused by disc golf participants. I personally can't say I understand why the disc golf course was put in the middle of, and through, an existing community playground & park in the first place. I do however, by the sound the discs make as they bounce off our building & equipment all summer, understand why families aren't visiting the park anymore and instead it's turned into the nice shady place adults meet up to drink beer and throw their discs. It's obvious there are groups of people who enjoy Disc Golf & that could be a great activity, if it was located in a place where they weren't tossing over kids trying to play at the park and right next to a fence, which happens to be ours. The fence that separates the city park and the Molalla Buckeroo Grounds has been destroyed by players climbing over and cutting through it to retrieve their discs that have been tossed over the fence. Most times we have seen the holes fairly quickly and have patched them to the best of our ability, however there were also multiple times that they provided easy access for "curious" people to come over and "explore" the outbuildings and clubhouse. The frequency of this actually led us to have a groundskeeper stay on our property year-round, even with his trailer and vehicles right next to the fence he caught many people as they were climbing and cutting the fence to retrieve their discs. Our grounds are private property, but I'm still not sure why cutting our fence made more sense than walking around the front of our building and going through the actual gate. Of all the times that we have had this issue we did receive 1 phone call asking how they should go about retrieving their disc, which we very much appreciated. We have had many donations for our fence repair fund in the form of beer cans deposited over the fence. While every little bit helps we'd much more appreciate the destruction of our property stop & people not be drinking in a city park in the first place.

We do want to acknowledge & thank the City of Molalla for placing the new disc golf guideline signs in the park a few years ago, unfortunately they haven't had any impact on the frequency of the above mentioned acts of vandalism. As such I would like to ask for your help in coming up with a solution to the problems this disc golf course has presented.

Thank you for your time,

Tim Anderson

President
Molalla Buckeroo Association

Clark Park Disc Golf Course Short Tee Guide

ENTRANCE FROM N COLE AVE



Private Property - No Trespassing

Hole 1: 261ft

Hole 2: 243ft

Hole 3: 314ft

Hole 9: 237ft

Hole 8: 186ft

Hole 7: 180ft

Hole 5: 345ft

Hole 4: 340ft

Private Property - No Trespassing

Hole 6: 192ft



SHIRLEY ST

Short Tees

Park Boundary

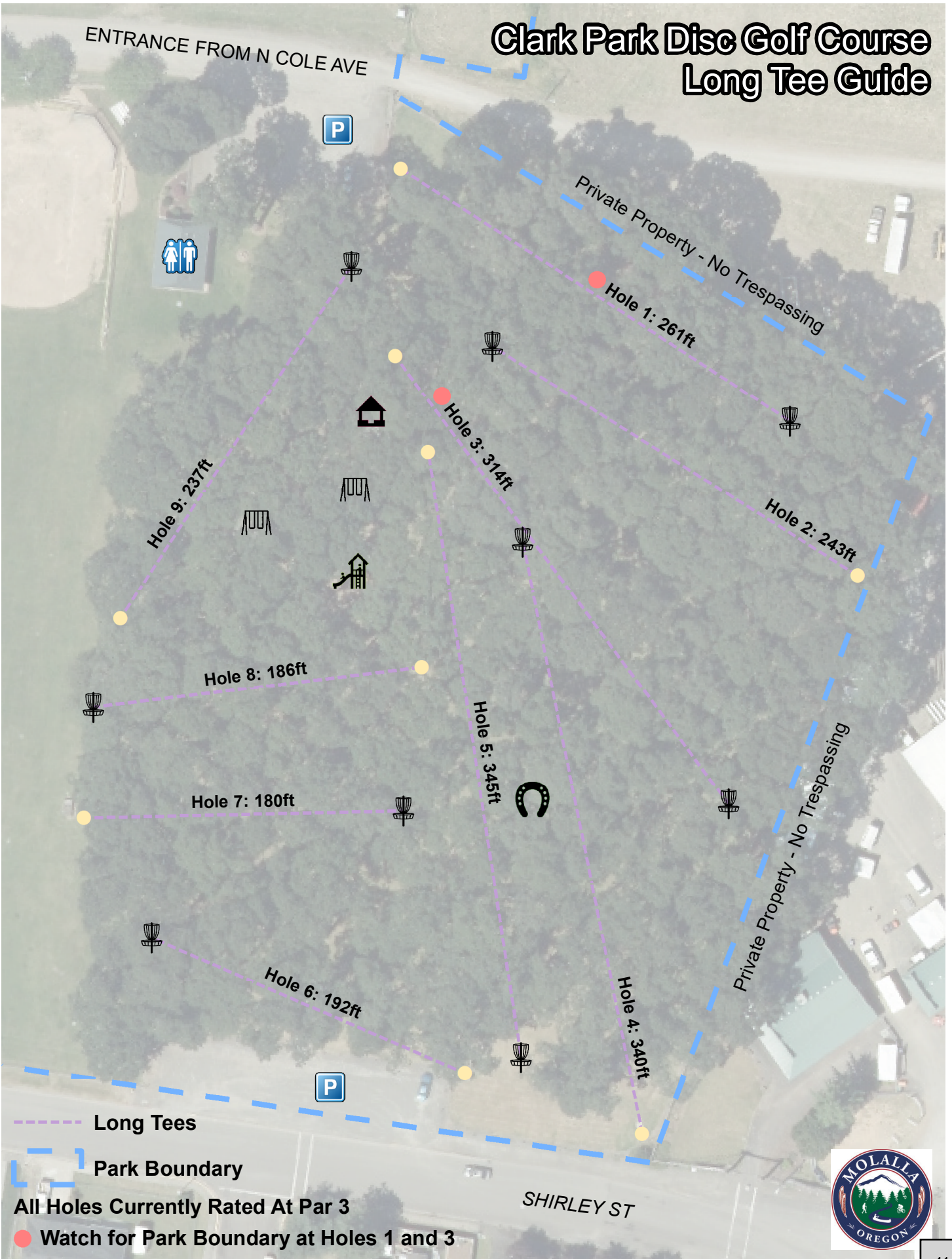
All Holes Currently Rated At Par 3

Watch for Park Boundary at Holes 1 and 3



Clark Park Disc Golf Course Long Tee Guide

ENTRANCE FROM N COLE AVE



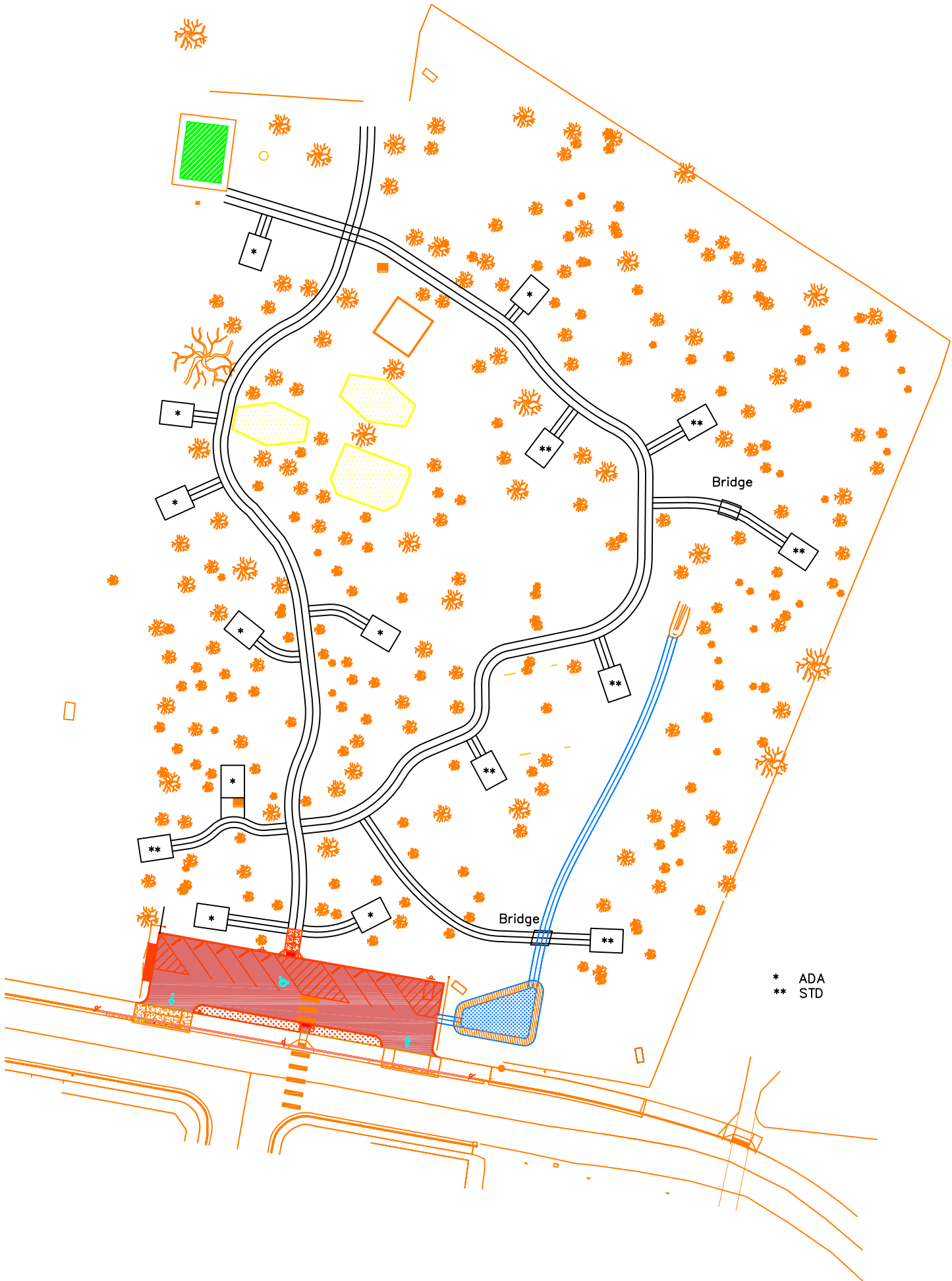
--- Long Tees

--- Park Boundary

All Holes Currently Rated At Par 3

● Watch for Park Boundary at Holes 1 and 3





* ADA
** STD

Disc Golf

Write a description for your map.



City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: Use of the Pal/Warming Center Building

Recommendation: Discussion/Formal Direction

Date of Meeting to be Presented: January 27, 2021

Fiscal Impact: TBD/2021-2022 Budgeted Item

Background:

Staff is requesting Council direction on the use of the Pal/Warming Center Building. For the past few years, the City has allowed Molalla Hope, Inc. use of the building for a Warming Center during winter months. Due to COVID-19 protocols, Molalla Hope, Inc. has not been able to use the structure as a Warming Center. The City has also discovered that we cannot use the upstairs Municipal Court Room for Court purposes and meet COVID-19 protocols.

We have used some of our remaining COVID Relief Funds to make certain repairs to the Pal Building to hold Court in the structure temporarily. We held Court on the evening of January 19th.

Staff is requesting Council direction on turning the Pal Building into a permanent meeting space for City Council, Planning Commission and Municipal Court.

The structure could also be used for other meetings and training purposes as needed.

What this process also does is open the Municipal Court space upstairs in City Hall to be used by our Police Department. Many of you know about the cramped quarters our police officers have been subjected to over the years. Allowing them to use this additional space until we find a permanent building for a Police facility is very necessary.

We do not have estimation numbers for formally creating a Council Chamber in the Pal Building. Our intent is to provide those numbers as part of the 2021-2022 Budget process. We also hope to analyze the need for general upgrades to the 2nd floor of City Hall to create the needed appropriate space for the Police Department. This may happen over more than one Budget cycle.

Again, Staff is requesting Council direction on turning the Pal Building into a permanent meeting space for Council, Planning Commission and Municipal Court.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager



Clackamas Water Environment Services: Wet wipes combined with grease and other non-flushable materials, create ropery mats that clog sewer pumps that workers must remove manually.

The Problem

Since the early 2000s, sewer system clogs and damaged equipment throughout the U.S. have surged because of ever-increasing quantities of inappropriate materials, including wet wipes, being flushed in household and public toilets. While wastewater networks can convey solids such as human waste and small food scraps, wipes removal is uniquely challenging because they combine into "rag mats" and "ropes" and are impossible to untangle. Accumulation of these materials can cause sanitary sewer overflows, creating a public health and environmental hazard. Wastewater operators must use cutting tools and other heavy industrial tools to manually remove blockages and clogs from pumps, screens, and other equipment. These efforts increase hazardous conditions for workers and add labor and equipment costs to municipalities.

The Solution: HB 2344 will Help Inform Oregonians Regarding Correct Disposal of Wet Wipes

HB 2344 would require manufacturers or retailers to place "Do Not Flush" labels and warning statements in visible locations on packages containing most types of wet wipes. The labels will effectively inform consumers of appropriate disposal of wet wipes after use. HB 2344 is consistent with the INDA/EDANA Code of Practice 2nd edition (published 2018).

This international standard was agreed upon by both product manufacturers and wastewater services sector trade organizations.



Example of acceptable "Do Not Flush" logo on the front side (right) of the packaging.

"Do Not Flush" logo included in the INDA/EDANA Code of Practice 2nd edition. The COP delineates symbol size and location on the front side of packaging.



Operators take sewage pumps out of service and use hand tools to remove clogs.

Why Action in Oregon is Needed Now

Wet wipes cause or contribute to blockages resulting in sewer backups, overflows, and costly damage to pumps and wastewater treatment equipment in small towns and large cities throughout Oregon. A recent study conducted by the National Association of Clean Water Agencies determined the cost for Oregon municipalities to manage wipes is \$5 million annually (statewide), or an average of \$30,000 annually for each municipality. These costs don’t factor in the costs of enforcement and third-party legal actions related to overflows.

Paper and fibrous materials must rapidly break down (disintegrate) to protect both consumers’ pipes and public wastewater systems. While some wipes products are marked “flushable,” the vast majority (about 90%) of wipes products in Oregon retail stores are not intended or even marketed for flushing in a toilet.

There are no state or federal laws or regulations¹ currently in force that require effective marking and labeling packages to inform

consumers to “Do Not Flush” personal care and household cleaning wet wipes. Wipes manufacturers and their U.S. industry trade association, INDA, have set voluntary standards for “Do Not Flush” labeling on consumer packages. However, the labels on many packages containing baby wipes and other non-flushable wet wipes do not conform to INDA’s



City of Bend: Pumps of All Sizes Clog with Wipes Flushed Down Toilets

voluntary standard, leading to inconsistent messaging to consumers regarding the flushability of disposable wipes.

Wastewater agencies across the state have worked hard to educate the public about the problems created when disposable wipes are flushed. COVID-19 has increased the use and disposal of wipes, which has made the situation worse. Local governments have invested significant resources to

change the public’s behaviors, encouraging the public to dispose of wipes in the trash. Billing inserts like **Toilets are Not Trash Cans**, social media posts, radio and television outreach are all elements of a significant outreach effort undertaken over the past year. Unfortunately, these efforts have not successfully reduced volumes of flushed wipes in the sewer system. **Precise and clear information on wipes packaging informing consumers to “Do Not Flush” is needed now.**



Roseburg Urban Sanitary Authority: There are no easy methods or tools for removing non-flushable wipes from sewage pumps.

¹The Washington Legislature passed a wipes labeling bill, EHSB 2565, set to be effective July 1, 2022.