



AGENDA

MOLALLA CITY COUNCIL MEETING
January 13, 2021
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

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** (Mayor Swigart)
- 2. ROLL CALL** (Mayor Swigart)
- 3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**
 - A. Swearing-in of Mayor-Elect Keyser (Mayor Swigart)
 - B. Swearing-in of Council-Elect Robles (Mayor Keyser)
 - C. Swearing-in of Council-Elect Deller (Keyser)
 - D. Swearing-in of Council-Elect Newland (Keyser)
 - E. Appoint Council President (Keyser)
 - F. Budget Calendar and Budget Officer Discussion (Seifried).....Pg. 3
 - G. Appointments to Commissions and Committees (Keyser).....Pg. 9
- 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 – December 9, 2021 (Keyser).....Pg. 10
- 7. PUBLIC HEARINGS**
- 8. ORDINANCES AND RESOLUTIONS**
 - A. Ordinance 2020-10: Mobile Food Cart Units (Corthell).....Pg. 14
 - B. Resolution 2021-02: Proposed Zoning Letter Fee (Corthell).....Pg. 28
 - C. Resolution 2021-03: Molalla Sanitary Rates (Huff).....Pg. 33
- 9. GENERAL BUSINESS**
 - A. Council Goal Setting Discussion (Huff)
 - B. Re-Open Molalla Discussion (Keyser)
- 10. REPORTS**
 - A. City Manager and Staff
 - B. City Councilors
 - C. Mayor



AGENDA

MOLALLA CITY COUNCIL MEETING
January 13, 2021
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

11. ADJOURN

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

City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: 2021–2022 Budget Officer

Recommendation: Recognize Budget Officer for Fiscal Year 21-22 Budget

Date of Meeting to be Presented: January 13, 2021

Fiscal Impact: N/A

Background:

ORS 294.331 (attached) states that the governing body shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person designated by city charter and acting as budget officer, shall prepare or supervise the preparation of the budget document.

Molalla City Charter, Chapter VIII Section, 34(d) (9) (attached) states that the City Manager must: Prepare and administer the annual city budget.

In previous years, the City Council adopted a resolution adopting the City Manager as the Budget Officer. We do not need to do this annual resolution since it is already in our charter.

SUBMITTED BY: Chaunee Seifried, Finance Director
APPROVED BY: Dan Huff, City Manager

Molalla Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Search](#) [Print](#) [No Frames](#)

[CHARTER CITY OF MOLALLA, OREGON](#)

Chapter VIII APPOINTIVE OFFICERS

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The manager is responsible to the mayor and council for the proper administration of city business. The manager will assist the mayor and council in the development of city policies and carry out policies set by ordinances and resolutions.

(b) A majority of the council may appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management.

(c) The manager is appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after a vacancy occurs.

(d) The manager must:

- (1) Countersign all orders on the city treasury;
- (2) Ensure that an accurate record is kept of the city's proceedings;
- (3) Ensure that all books, papers, records and other documents connected with business of the council, or which may be the property of the city are securely kept;
- (4) Attend all council meetings unless excused by the mayor or council;
- (5) Make reports and recommendations to the mayor and council about the needs of the city;
- (6) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (7) Appoint, supervise, and remove city employees;
- (8) Organize city departments and administrative structure;
- (9) Prepare and administer the annual city budget;**
- (10) Administer city utilities and property;
- (11) Encourage and support regional and intergovernmental cooperation;
- (12) Promote cooperation among the council, staff and residents in developing city policies, and building a sense of community;
- (13) Perform other duties as directed by the council; and
- (14) Delegate duties, but remain responsible for acts of all subordinates.

(e) The mayor and councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

- (f) The manager has no authority over the council or over the judicial functions of the municipal judge.
- (g) The manager and others designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

- (h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem as prescribed by council rules. The manager pro tem has the authority and duties of manager, except that a manager pro tem may not appoint or remove employees without council approval. (Reso. No. 2011-14; Reso. No. 2011-10)

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council may appoint and may remove the city attorney. (Reso. No. 2011-10)

Section 36. Municipal Court and Judge.

- (a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the municipal court.

- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

- (e) The municipal judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the city;
 - (3) Commit to jail or admit to bail anyone accused of a city offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - (6) Penalize contempt of court;
 - (7) Issue processes necessary to enforce judgments and orders of the court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

- (f) The council may appoint and may remove municipal judges pro tem.

- (g) The council may transfer some or all of the functions of the municipal court to a state court. (Reso. No. 2011-10)

View the [mobile version](#).

ORS 294.331¹

Budget officer

[Text](#)

[News](#)

[Annotations](#)

[Related Statutes](#)

The governing body of each municipal corporation shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body. [1963 c.576 §5]

City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: 2021–2022 Budget Calendar

Recommendation: Receive the Budget Calendar

Date of Meeting to be Presented: January 13, 2021

Fiscal Impact: N/A

Background:

At the beginning of each year the City Council receives the budget calendar for the upcoming fiscal year budget.

SUBMITTED BY: Chaunee Seifried, Finance Director
APPROVED BY: Dan Huff, City Manager

CITY OF MOLALLA & MOLALLA URBAN RENEWAL 2021-22 BUDGET CALENDAR

The process followed in the preparation of this budget complies with the Local Budget Law established by the State of Oregon (ORS Chapter 294). The process and calendar of events leading up to the adoption of this budget are as follows.

January 13	Appoint Budget Officer by Resolution (ORS.294.331)
January	Budget worksheets delivered to Departments.
March 16	Department Heads submit final proposed budgets to Budget Officer
April	Budget 101 if needed
April 8	Budget Officer/Finance Final Budget Worksheets.
April 14	Publish Notice of 1 st Budget Committee Meeting (ORS.291.401) to include Shared Revenue Hearing and Public Comment. Post on Website.
April 22	Budget Committee Meeting (Thursday) <i>6:30pm @ the Molalla Adult Center</i>
April 27-May-4	Additional Budget Committee Meeting if needed Budget Committee approves and forwards to City Council (ORS.406)
June 2	Publish Notice of Budget LB/UR Forms (ORS 294.421)
June 9	Budget Hearing before City Council (ORS 294.430)
July 15	Submit tax certification document to County Assessor (ORS 294.555)

TO ALL: Budget committee has opening for the citizen member. If you know anyone interested, please have them contact the City Recorder.

City of Molalla

City Council Meeting



Agenda Category:

Subject: Appointments to Commissions and Committees

Recommendation: Appoint

Date of Meeting to be Presented: January 13, 2021

Fiscal Impact: N/A

Background:

The following is a list of current Council, Boards, or Commission appointments:

Council President	Councilor Childress
Culture and Art CPC	Councilor Klein
Economic Development CPC	Councilors Klein and Robles
Library Board	Councilor Newland
C4: Clackamas Co. Coordinating Committee	Former Mayor Swigart
Molalla Area Chamber of Commerce	Councilor Robles

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
December 9, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Meeting was called to order by Mayor Keith Swigart at 7:01pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

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

STAFF IN ATTENDANCE

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

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Oregon Accreditation Alliance – Molalla Police Department (Schoenfeld)

Chief Schoenfeld presented the Council with the Oregon Accreditation Alliance Award that Molalla Police Department received. He explained the requirements and process for how a Police Department attains accreditation. Chief Schoenfeld gave a heartfelt thank you to staff member Julie Anderson, for the hard work that was put into receiving this award.

Planning Director Corthell introduced Jenna Langendorfer to Council. Jenna is interning with the Planning Department for the next several months.

4. PUBLIC COMMENT

None.

5. APPROVAL OF THE AGENDA

Approved as presented.

6. CONSENT AGENDA

- A. Meeting Minutes – November 18, 2020
- B. Canvass Results Report: Clackamas County November 2020 General Election
- C. Liquor License Application: Full On-Premises, Commercial – Molalla River Brewing Company
- D. Liquor License Application :Full On-Premises, Commercial - GALA Enterprise, LLC dba Jo's Saloon
- E. Molalla Public Library: Meeting Minutes - July 16, 2020

A motion was made by Councilor Klein to approve the Consent Agenda, seconded by Councilor Robles. Vote passed 7-0, with all Councilors voting Aye.

7. PUBLIC HEARINGS

- A. Ordinance 2020-10: Amending Sections 17-2.3.220 Mobile Food Units, 17-5.1.020 Definitions, and 17-2.2.030 Table of Allowed Uses by Zoning District of the Molalla Municipal Code

Mayor Swigart opened the Public Hearing for Ordinance No. 2020-10 at 7:10pm. As there were no members of the audience wishing to speak on this Ordinance, he closed the hearing at 7:11pm.

ORDINANCES AND RESOLUTIONS

- A. Ordinance 2020-10: Amending Sections 17-2.3.220 Mobile Food Units, 17-5.1.020 Definitions, and 17-2.2.030 Table of Allowed Uses by Zoning District of the Molalla Municipal Code

There was discussion between staff and council regarding the requirement of a hard surface for parking a mobile food unit. Planning Director Corthell explained that it needed to be asphalt, concrete, or pavers to meet the criteria. Gravel and soil move when it rains, therefore causing erosion and mud is tracked onto the streets.

Public Works Director Fisher added that we are also concerned about spills, soil contamination and any type of erosion. We are under an NPDES permit to protect our stormwater system and the bodies of water that they are connected to.

A motion was made to adopt Ordinance No. 2020-10 by Councilor Klein, seconded by Councilor Robles. Vote passed 6-1. Voting Aye: Mayor Swigart, Councilor Klein, Councilor Palumbo, Councilor Shankle, Councilor Newland, and Councilor Robles. Voting No: Council President Childress.

As this was not a unanimous vote, the Second Reading of Ordinance No. 2020-10 will take place on January 13, 2020.

- B. Resolution 2020-25: Repealing the Existing and Adopting an Updated System Development Charge Rates for the Water, Sanitary Sewer, Stormwater, Transportation and Park System for Each Utility

Public Works Director Fisher presented Council with Resolution 2020-25. At a previous meeting, Council had directed staff to prepare an updated Resolution reflecting September 2019 values, repealing the current SDC's.

A motion was made by Councilor Klein to approve Resolution No. 2020-25, seconded by Council President Childress. Vote passed 7-0, with all Councilors voting Aye.

8. GENERAL BUSINESS

- A. Molalla Sanitary – Rate Increase

Allan Bushey of Molalla Sanitary made a presentation to Council regarding the need for a rate increase. Disposal rates have been increased by 6.5%, creating a need to increase rates to customers. Council thanked him for his presentation, as well as being an incredible community partner. Molalla Sanitary donated several dumpsters this year for Trash Days, in lieu of our regular Spring Clean-Up program.

- B. Municipal Court Judge – Request for Proposal

City Manager Huff explained to Council that during our last audit, our auditor recommended that we obtain an up-to-date Municipal Court Judge contract. He feels that conducting a Request for Proposal for Qualifications is necessary to clear-up our Court program.

A motion was made by Councilor Newland to authorize the City staff to enter into an RFP for Municipal Court Judge, seconded by Councilor Robles. Vote passed 7-0, with all Councilors voting Aye.

C. City Council Stipend – Discussion for Process and Procedure

Council President Childress requested that Council review how Councilors receive a stipend. The current stipend is \$100 per month. She feels that stipends and how they are earned should be discussed at a future Work Session or Council Retreat.

City Recorder DeSantis read the current Molalla Municipal Code. Chapter 1.02.210 Council expenses states, "Reimbursement. The Council shall receive a monthly reimbursement for expenses, the amount to be set appropriately by the Mayor and Council. (Ord. 2007-05)". Ms. DeSantis requested the Council consider creating clearer language for this section.

9. REPORTS

A. City Manager and Staff

City Recorder DeSantis had nothing to report.

Planning Director Corthell had nothing to report.

Finance Director Seifried had nothing to report.

Public Works Director Fisher presented his monthly report. He highlighted a photo of West Lane, that reflects the west direction. The photo shows that in an effort for people to drive around the potholes in the road, they are now driving directly into the wetland area. Mr. Fisher stated that this is now an erosion and environmental issue, therefore the road will have to be closed to the public. This issue will be revisited in the summer, when it is dry. The concern is the City's NPDES permit with DEQ. Vehicles driving on this road can contaminate the wetland area that drains into Bear Creek, the pond at the PW Shops, and the new pond at Sawyer's Truck Repair.

Council requested that citizens be notified of the closure. Mr. Fisher stated that the City would do so.

City Manager Huff placed a letter at each Councilors table, for them to read at a later time.

B. Mayor

Mayor Swigart presented Councilor Palumbo with a plaque from the City Staff and Council, thanking her for her service to our community as a Council member.

C. City Councilors

Councilor Newland thanked Mayor Swigart and Councilor Palumbo for their four years of service. She thanked them for their hard work and dedication to the community.

Councilor Klein thanked Councilor Palumbo and Mayor Swigart for their service, and encouraged them to stay in contact. She reminded citizens that they can sign up for notifications on the OR211 Bike and Pedestrian Path through ODOT. This link is available on the City's website.

Councilor Palumbo congratulated the newly elected Mayor and Councilor.

Councilor Shankle shared her thanks to Councilor Palumbo and Mayor Swigart for their service on Council.

Councilor Robles had nothing to report.

Council President Childress and Councilor Klein are continuing their work with the Ford Family Foundation, that helped create our Molalla Area Vision and Action Plan 2030. They have been asked by the Ford Family Foundation, along with other area cities, to present Molalla's Plan, as an example of how to create the project. The Mayor thanked them both for their work and dedication to the project.

Council President Childress presented Mayor Swigart with a plaque from the City Staff and Council. She listed items accomplished during Mayor Swigart's time on City Council.

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.

Mayor Swigart recessed Council to Executive Session at 8:27pm.

11. RECONVENE REGULAR SESSION

Mayor Swigart reconvened Regular Session at 8:42pm.

12. ADJOURN

A motion was made to adjourn the Council meeting by Councilor Newland at 8:43pm, seconded by Councilor Shankle. Vote passed 7-0, with all Councilors voting Aye.

Keith Swigart, Mayor

Date

ATTEST: _____
Christie DeSantis, City Recorder



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

Staff Report Ordinance 2020-10

Subject: Consideration of amendment to Molalla Municipal Code (MMC) 17-2.2.030 Uses Allowed by Zoning District, MMC 17-2.3.220 Mobile Food Units (Special Use Standards), and MMC 17-5.1.020 Definitions.

Staff Recommendation: Staff recommends the Planning Commission recommend approval of the proposed code amendment.

Date of Public Hearing: City Council Public Hearing and first reading - December 09, 2020

Fiscal Impact: No direct impact.

Background: The proposed ordinance repeals the Temporary Ordinance for Mobile Food Units and provides a comprehensive set of regulations for Mobile Food Unit operation and placement in the City of Molalla.

The proposed ordinance was reviewed and recommended for adoption by the Planning Commission.

A public hearing and first reading of the proposed ordinance was conducted at the 12/9/20 City Council meeting.

The proposal will be analyzed for compliance with the criteria in MMC 17-4.6.030(A) – (D):

- A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with statewide planning goals and relevant administrative rules.
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- 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
- D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

Exhibit A – Finding of Fact

Summary of Proposed Changes

1. Amend **MCC 17-5.1.020 Definitions** as follows:
 - a. Add definitions for Mobile Food Unit (MFU), Temporary Mobile Food Unit (TMFU), and Permanent Mobile Food Unit (PMFU).
 - b. There were previously no such definitions in the MCC.
2. Amend **MCC Table 17-2.2.030 Uses Allowed by Zoning District** as follows:
 - a. Add TMFU's and PMFU's to the Commercial Uses category.
 - b. Allow for TMFU operations in the C2, M1, and M2 zones, subject to special use standards.
 - c. Allow for PMFU operations in the C1, C2, and M1 zones, subject to special use standards.
 - d. There were previously no such categories in the MCC.
3. Amend **MCC 17-2.3.220 Mobile Food Units** as follows:
 - a. Creating a comprehensive set of regulations applicable to all MFU's operating within the city, another set of regulations specific to operation of TMFU's in the city, and a third set of regulations specific to operation of PMFU's within the city.
 - b. Creating a regulatory structure for the sites upon which TMFU's may operate, and a set of regulations for development of PMFU sites.
 - c. Creating a new "temporary mobile food unit license" to operate in place of a business license and requiring a business license for operation of PMFU's.
 - d. Codifying the processes by which a TMFU may be licensed and by which a PMFU site may be developed.
 - e. Providing the city, a right to inspect all MFU's to ensure compliance.
 - f. A temporary ordinance previously provided some limited guidance on MFU operations. The temporary ordinance is fully repealed by the ordinance at issue here.

Rationale for Proposed Changes

City Staff recommends adopting the proposed amendments to allow and regulate MFU operations in the City of Molalla based on broad community support for the activity and the many opportunities this type of use provides.

Adding MFU's to Molalla's repertoire carries several opportunities: enliven under-utilized spaces, entrepreneurship, Jobs, unique dining experiences, increased diversity in dining options, a business draw for locals and out-of-towners alike. Additionally, the City Council adopted Temporary Standards for MFU operations in July of 2020, which illustrates an intent to adopt a more comprehensive set of standards at sometime in the future.

TMFU's

Staff is proposing to limit the operations of TMFU's to the C2, M1, and M2 zones, and only on an existing, paved parking area. The overarching theme here is that TMFU's would be equivalent to the classic "roach coach" that has something equivalent to a route, pulls into the business parking lot, and offers various food options. However, the extended limit of 14 hours per day also provides opportunity for a full-day operation. TMFU's on one site at a given time are limited to three.

TMFU's are required to be fully self-contained, can operate only between 6am and 10pm, and must vacate the property upon which they operate immediately upon cessation of operations that day. There is no development allowed in conjunction with these operations, but temporary tables and chairs can be provided and must be removed when they cease operating on that site.

Other relevant licensing, waste management, and public safety provisions are contained in the MFU's Generally portion of the ordinance and are applicable to TMFU's. TMFU's are required to submit a list of properties that they will be licensed to operate on and are required to obtain permission of each property owner.

Property owners are jointly and severally liable to ensure TMFU's operating on their property are compliant with these regulations.

PMFU's

The primary differences between the standards for the two types of MFU are: 1) the sites upon which they are permitted to operate, the license they're required to obtain, and the zones in which they are allowed to operate.

Staff is proposing to limit the operations of PMFU's to the C1 and C2 zones. PMFU's can only operate on a site approved for PMFU operations. This requires site design review and compliance with all relevant code provisions. Not only does this ensure that a permanent MFU site is properly developed, it also helps provide a level playing field between MFU's and the city's brick and mortar restaurants.

All aspects of the development code apply to the development of PMFU sites, with additional requirements for fencing, surfacing, and sanitation facilities. PMFU's operating on a site approved for 3 or less PMFU's must be self-contained, those approved for 3 or more may be all self-contained, or all connected to water and/or sewer, subject to public works design approval.

Restroom facilities are required at PMFU sites. If the site is approved for only one PMFU, the facilities may be portable and self-contained, 2 or more requires use of an existing building restroom or development of restroom facilities.

Criteria for Review

Amendments to the Development Code shall be in conformance with the criteria found in MMC 17-4.6.030:

- 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: There is no change to comprehensive plan.

Finding: This criterion is not applicable.

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

Goal 1: Citizen Involvement Policies (as applicable):

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. 2014 Molalla Comprehensive Plan

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 the Comprehensive Plan. City staff met with multiple potential MFU developers, as well as some local businesses, and held multiple work sessions with the Planning Commission and City Council in public meetings. The proposed change was noticed to every address in the affected zones, advertised on the city's website, and in the Molalla Pioneer. The ordinance itself, in draft form, was made available at City Hall from the time of the notices on. There have been no public comments received to date with the exception of several citizens mentioning how excited they are for MFU's to come to Molalla.

Goal 2: Land Use Planning Process Goals (as applicable)

- *To participate with other jurisdictions and special districts to ensure appropriate land use and related issues are coordinated.*
- *To implement the community vision through the comprehensive planning process.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. City staff utilized ordinances from multiple other jurisdictions in crafting the legislation at issue. Additionally, the community vision lists strengthening support of local businesses, craftspeople, and artisans under focus area #3. This ordinance would allow local culinary artisans to operate, and to do so at a cost that is more reasonable than the traditional brick and mortar set-up.

Goal 5: Natural and Historic Resources

- *To conserve open space and protect natural and historic resources.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. This ordinance will allow further utilization of existing developed lands, thus preserving other resources that might be utilized (e.g. open space, natural and historic resources) in the alternative.

Goal 6: Environmental Quality

- *To maintain and improve the quality of the air, water, and land resources of the state.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. Great lengths have been taken to ensure this ordinance promotes maintenance of air, water, and land resources. These are primarily seen in the self-containment rules promulgated within.

Goal 7: Natural Hazards

- *To protect life and property from natural disasters and hazards.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. Due to their mobile nature, MFU's would be far less susceptible to natural hazards than a brick and mortar business.

Goal 9: Economic Development

- ***To expand the economic base to increase the economic independence of the area – through expansion and retention of existing businesses and recruitment of new businesses.***
- ***Actively support redevelopment efforts for under-utilized commercial and industrial sites within Molalla UGB.***
- ***Commercial and service uses in the City's industrial zones should be limited to small-scale uses that cater primarily to local area employees and customers.***
- ***The City shall ensure adequate amounts of suitable lands for the business community to thrive. 2014 Molalla Comprehensive Plan***
- ***The City shall make every effort possible to work with interested businesses to draw them to the community.***

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. This ordinance will allow for a brand-new type of economic operation in the City of Molalla, and thus expanded business opportunities, as well as recruitment of new businesses. Underutilized commercial spaces may use this ordinance to expand operations on the space. It also provides for a small-scale commercial use in the industrial zones. The city has been in talks with 3 interested business owners that would like to come to this community and operate MFU's in some capacity.

Finding: 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.

Staff Analysis: The proposed amendment is in the public interest and responds to changes in the community. This ordinance responds to the community's stated desire to have Mobile Food

Units operational within the City of Molalla, as seen through substantial citizen and business engagement, as well as the City Council’s adoption of a temporary ordinance providing standards for such operations. Allowing MFU’s to operate in a temporary and permanent capacity provides for expanded use of existing property and potential development of sites that tend to draw diverse business interests as well as patronage both local and from out-of-town. MFU’s have become part of the landscape of the Willamette Valley and provide great augmentation for existing businesses, as well as development of new.

Finding: This criterion is met.

D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

Staff Analysis: The proposed amendment does not impact Molalla’s statewide transportation facilities.

Finding: This criterion is met.

Adoption

This ordinance, as written, was available to the public, in writing, on December 1, 2020, was first read by the City Council at the December 9, 2020 Council Meeting, and will be adopted by a majority vote of the City Council.

Proposed Motions:

1. Adopt

- a. I move that the Molalla City Council adopt Ordinance 2020-10 AMENDING MOLALLA MUNICIPAL CODE SECTIONS 17-2.3.220 MOBILE FOOD UNITS, 17-5.1.020 DEFINITIONS, AND 17-2.2.030 TABLE OF ALLOWED USES BY ZONING DISTRICT and ADOPTING THE RELEVANT FINDINGS IN THE STAFF REPORT.



ORDINANCE NUMBER 2020-10

AMENDING MOLALLA MUNICIPAL CODE SECTIONS 17-2.3.220 MOBILE FOOD UNITS, 17-5.1.020 DEFINITIONS, AND 17-2.2.030 TABLE OF ALLOWED USES BY ZONING DISTRICT

WHEREAS, Mobile food units provide opportunities to enliven under-utilized spaces, increased draw for consumers, entrepreneurship, increased job opportunities in the community, and a unique dining experience; and

WHEREAS, The City of Molalla adopted temporary mobile food unit legislation in ordinance 2020-08; and

WHEREAS, The need for a comprehensive set of laws regarding mobile food unit operations and licensing remained; and

WHEREAS, City staff has determined that the community supports mobile food units.

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

Section 1. Molalla Municipal Code (MMC) Section 17-2.3.220 *Mobile Food Units Temporary Standards* is replaced in its entirety by Section 17.2.3.220 *Mobile Food Units* in Exhibit "A."

Section 2: MMC Section 17-5.1.020 *Definitions* is amended to include the definitions in Exhibit "A."

Section 3. MMC Table 17-2.2.030 *Uses Allowed by Zoning District* is amended to include the uses outlined in Exhibit "A."

Section 4. Effective Date. Due to urgent need, this ordinance shall be effective upon approval of the City Council.

This ordinance was first read at the December 9, 2020 City Council Meeting and approved by a vote of 5 yay and 2 nay.

This ordinance was second read on January 13, 2021 and adopted by a vote of ____ yay and ____ nay.

Signed this 13th day of January, 2021.

Mayor, Scott Keyser

ATTEST:

Christie DeSantis, City Recorder

Exhibit A

Ordinance 2020-10

MMC 17-5.1.020 Definitions

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit, Temporary. Any mobile food unit that operates, in any part, on a site that has not been approved as a permanent mobile food unit site.

Mobile Food Unit, Permanent. Any mobile food unit that operates, in any part, on a site that has been approved as a permanent mobile food unit site.

MMC Table 17-2.2.030 Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	R1	R2	R3	R5	C1	C2	M1	M2		
C. Commercial Uses					C1	C2	M1	M2	PSP	
Temporary Mobile Food Units	N	N	N	N	N	S	S	S	N	Ch. 17-2.3
Permanent Mobile Food Units	N	N	N	N	S	S	S	N	N	Ch. 17-2.3

MMC 17-2.3.220 Mobile Food Units

A. Applicability.

No Mobile Food Unit may operate within the city limits of Molalla except as permitted in this chapter, or as authorized by an event permit issued by the City of Molalla.

Mobile Food Unit owners, mobile food unit licensees, and the owner(s) of property upon which mobile food units operate are jointly and severally liable for non-compliance with this ordinance.

B. Mobile Food Units Generally.

The following standards apply to all mobile food units operating within the City of Molalla whether Temporary or Permanent.

1. Accessory Use. Mobile Food Units shall be permitted as an accessory use in all zones in which they are “Permitted Subject to Special Use Standards (S),” provided they conform to all provisions of this ordinance and all relevant provisions of the Molalla Development Code (MMC Title 17).

2. Public Facilities, Self-Containment, Waste, and Utilities.
 - a. Waste in General. Except as permitted by the City of Molalla, a mobile food unit owner and the property owner of the site where the mobile food unit is operating are expressly prohibited from allowing any type of discharge, drainage, leakage, solid waste, or liquid waste associated with a mobile food unit to:
 - i. enter the stormwater or wastewater systems; or
 - ii. be dumped or otherwise spilled on the ground, streets, or sidewalks.
 - b. Self-Containment. Notwithstanding MMC 17-3.6.040, all temporary mobile food units, and all mobile food units operating on a site approved for three (3) or less permanent mobile food units shall be totally self-contained and connect to individual wastewater and potable water tanks at all times.
 - i. Mobile food units operating on a site approved for four (4) or more permanent mobile food units may choose between self-containment, connecting to city water, connecting to city sewer, or a combination of self-containment and city water and/or sewer. All city water and sewer connections are subject to MMC 17-3.6.040 and MMC 13.14.
 - ii. All mobile food units on a given site shall be uniform in regard to self-containment or connection to one or more city services (e.g. all connected to water, all connected to sewer).
 - c. Solid Waste. All solid wastes associated with the mobile food unit, or its patronage, must be kept at all times fully enclosed in a trash bin or recycling receptacle, as applicable.
 - i. Solid wastes must be disposed of on a schedule at least as often as that offered by the City's solid waste franchise. Disposal must be by lawful means.
 - d. Utility Lines and Tanks. All utility lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent unsafe conditions.
 - i. Power may not be connected by overhead wires to the individual mobile food units.
 - e. Public Right of Way. No portion of the mobile food unit, equipment, customer service areas, or any other associated object may be located within the public right of way.
3. Condition of Unit and Site.
 - a. Mobile food units must be equipped with wheels and the wheels may not be removed.
 - b. Mobile food units must be kept in a state of good repair, including but not limited to:
 - i. an exterior that is clean and free from rust, peeling paint, and visibly worn or broken exterior equipment; and
 - ii. any other defect that reasonably detracts from the public's aesthetic appreciation of the unit or the site.
 - c. The site area adjacent to the unit must be kept in a state of good repair, including but not limited to:
 - i. free from trash, waste, broken or visibly worn equipment and furnishings;
 - ii. and any other defect that reasonably detracts from the public's aesthetic appreciation of the site.
 - d. Site Surfacing.

- i. Temporary mobile food units may only operate on a paved parking area.
- ii. Permanent mobile food units may only operate on a site with a hard surface sufficient in size to minimize dust and facilitate all mobile food unit operations, and related customer activities such as eating, ingress, and egress.
 - 1. Gravel and soil surfaces are prohibited.
- iii. The surfacing requirement does not apply to permanent mobile food units that pre-exist the date this ordinance was adopted unless and until the mobile food unit moves from the site for a period of 30 or more days.
- e. Separation and Setbacks. All mobile food units on a site shall be located a minimum of:
 - i. Five (5) feet from any structure or mobile food unit;
 - ii. Ten (10) feet from any front or street-side lot line;
 - iii. Five (5) feet from any side or rear lot line;
 - iv. Twenty (20) feet from any lot line abutting a residential zone.

4. Nature of Operations and Right to Inspect.

- a. Mobile food units shall primarily sell food items.
- b. Mobile food units may not sell, offer, provide or in any way transfer cannabis in any form.
- c. At all times mobile food units are subject to inspection by City of Molalla Code Enforcement, City of Molalla Police Department, and Molalla Fire District personnel on official business.

5. Legal Requirements.

- a. Licensing.
 - i. All mobile food units must possess and display a valid Clackamas County Mobile Food Unit License.
 - ii. Temporary mobile food units must possess and display a valid City of Molalla temporary mobile food unit license.
 - iii. Permanent mobile food units must possess and display a valid City of Molalla business license.
- b. Compliance with Laws. Mobile food units and the property upon which they operate must maintain continuous compliance with all applicable laws and rules of the federal, state, county, and city, governments.

C. Temporary Mobile Food Units.

The provisions of this section apply to all mobile food units operating in the City of Molalla in any part on a site or sites that have not been approved for placement of a permanent mobile food unit or units, and to the sites upon which temporary mobile food units are allowed to operate.

- 1. Zoning. Temporary mobile food units may only operate in the following zones:
 - a. General Commercial (C-2), Light Industrial (M-1), and Heavy Industrial (M-2) zones.
- 2. Placement.

- a. No more than three (3) temporary mobile food units may be present on one property at any time unless it is for the sole purpose of storing the unit(s). Temporary mobile food units may not be stored upon any property upon which they operate.
 - b. Temporary mobile food units may not be placed in any location that hinders access for emergency vehicles or impacts the traffic pattern on any public roadway.
 - c. Temporary mobile food units must not be placed in a way that results in a violation of federal, state, county, or city laws, or any condition of a land use or permitting action.
3. Accessory Items and Structures.
- a. Development and improvements related to temporary mobile food unit operations are strictly prohibited except that a paved parking lot may be expanded, subject to the provisions of the Molalla City Code, to facilitate such operations.
 - b. Temporary tables, chairs, lighting, and shelter may be provided during temporary mobile food unit operations but must be removed upon cessation of operations at the site each day.
 - c. Trash receptacles for customer use must be provided and maintained within ten (10) feet of the temporary mobile food unit and must be removed upon cessation of operations each day.
4. Operating Hours.
- a. Temporary mobile food units may only operate for 14 or less hours per calendar day, and only between the hours of 6:00am and 10:00pm.
 - b. Temporary mobile food units must vacate all properties upon which they operate immediately upon cessation of operations.

D. Permanent Mobile Food Units.

The provisions of this section apply to all permanent mobile food unit sites and mobile food units that operate thereon in any part.

- 1. Zoning. Permanent mobile food unit sites may only be approved in the following zones:
 - a. Central Commercial (C-1), General Commercial (C-2), and Light Industrial (M-1).
 - b. Licensed permanent mobile food units may operate as a temporary mobile food unit but must first submit and gain approval of a list of addresses upon which they intend to operate as a temporary mobile food unit.
 - i. Licensed permanent mobile food units operating outside the permanent mobile food unit site for which they are licensed must comply with all of the provisions of sections B and C of this ordinance, except that they need not obtain a temporary mobile food unit license.
- 2. Development Code.
 - a. Except as specifically delineated in this ordinance, all permanent mobile food unit sites must comply with the applicable provisions of MMC Title 17 in general and specifically for commercial activities classified as Retail Sales and Commercial Service.

3. Fencing.

- a. Permanent mobile food unit sites with approval for four (4) or more permanent mobile food units shall be fully enclosed by a fence, wall, exterior building wall, or combination thereof.
- b. Notwithstanding MMC section 17-3.4.040, the design and dimensions of fences or walls used to satisfy the requirement of this section are subject to approval by the Planning Official.
 - i. The planning official shall base their approval of a proposed wall or fence on a balance of the Community Design Standards in MMC 17-3.4.040, the location of the parcel and surrounding uses, and the aesthetics of the proposal.
 - ii. Clear vision standards may only be waived by variance.

4. Sanitation Facilities.

- a. A permanent mobile food unit site authorized for three (3) or less mobile food units:
 - i. Shall have at least one (1) toilet and one (1) hand washing facility available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.
- b. A permanent mobile food unit site authorized four (4) or more mobile food units:
 - i. Shall have at least two (2) toilets and two (2) hand washing facilities available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.

5. Liquid Waste Collection

- a. All permanent mobile food units must provide a liquid waste collection plan outlining:
 - i. How liquid waste will be collected and disposed of;
 - ii. How often liquid waste will be removed from the site and disposed of;
 - iii. What company will collect and dispose of the liquid waste.

E. Process.

1. Temporary Mobile Food Units. Prior to operation, a Temporary Mobile Food Unit owner must submit to city hall a temporary mobile food unit license application including a list of addresses upon which they intend to operate, and the appropriate fee. These licenses expire on December 31st of each year and must be renewed.

- a. Temporary mobile food units may only operate on premises approved on their application, and only with property owner consent.
 - b. Additional addresses may be added by filing an addendum at City Hall, subject to approval by city staff. Approved additional address addendums become part of the approved license and must be kept with the original license approval.
 - c. The temporary mobile food unit license fee will be set from time to time by resolution of the City Council.
 - d. Temporary mobile food unit licenses run with the owner and must be reapplied for upon a change of ownership.
2. Permanent Mobile Food Unit Site. Prior to beginning mobile food unit operations, a property owner must submit a Zoning Checklist in accordance with MMC 17-4.1.020, and comport with all required land use & permitting requirements in MMC Title 17.
 3. Permanent Mobile Food Units. Prior to operation, a Permanent Mobile Food Unit owner must submit to city hall, and receive approval of, a City of Molalla business license application and the associated fee in accordance with the provisions of MMC Title 5.

F. Enforcement and Penalties.

1. Violations of development related provisions of this ordinance shall be subject to the enforcement and penalty provisions of MMC Title 17.
2. All other violations shall be subject to the general penalty in MMC 1.04.010.

G. Severability.

In the event any provisions of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision.

City of Molalla

City Council Meeting



Agenda Category: Ordinances & Resolutions

Staff Report – Resolution 2021-02

Subject: Zoning Letter Fee Resolution

Recommendation: Adopt

Date of Meeting to be Presented: January 13, 2021

Fiscal Impact:

When I arrived to the City of Molalla, Planning Staff was spending approximately 10 hours per week (8 Planner, 2 Support) fielding and responding to a variety of development related inquiries. Over a full year this is approximately 520 hours of staff time, or ¼ of a full-time employee, or \$20,000 of taxpayer money.

The proposed \$75 per letter fee would recoup nearly all those costs, and ensure the cost of development speculation is not passed on to the tax base at large.

Background:

As part of my initial Planning Department Audit I aimed to identify, and begin to cure, significant departmental pain points that ultimately contribute to inefficient use of resources and poor customer interface. One of the pain points I identified was the lack of a coherent process and appropriate financial recuperation for complex development related inquiries.

Continued next page...

SUBMITTED BY: Mac Corthell, Planning Director
APPROVED BY: Dan Huff, City Manager

Background Continued:

Development related inquiries are inherently complex, this is one of the reasons they are made despite all the relevant information being available in the Development Code, which is fully accessible on the city's website.

The cost of development related staff work should not be passed on to the local tax base. These actions are undertaken by individuals either for profit, or for their own personal benefit.

Many speculators, such as finance companies, require an official letter from the city in order to conduct their business. Such letters require special attention based on the tenets of professionalism, and the risk associated.

Staff reviewed the Zoning and Land Use Letter fees of multiple other cities and found them to range in cost from \$50 - \$150, however those with the \$50 fee typically do not offer as much information as others.

The Planning Commission reviewed the proposed resolution and recommended approval at the December 9, 2020 Planning Commission meeting.

With those principles in mind, Planning Department Staff has taken the following actions:

1. **First Issue** – lack of a coherent process for potential developers, purchasers, owners, and speculators, to gain information on a particular property.
 - a. **Cured** – Administrative development and implementation of a Land Use and Zoning Letter (attached).
2. **Second Issue** – ensure the costs for development, and speculation, are placed on the individual who stands to benefit, not on the tax base at large. Development related inquiries typically require 1-2 staff hours to field,
 - a. **Proposed Cure** – Implementation of a \$75 per letter, per parcel fee for development related inquiries as outlined in the Land Use and Zoning Letter attached.
 - b. **Inquiries Not Subject to the Fee**
 - i. Planning Staff will determine whether a residential inquiry will take 30 minutes or less to resolve. If so, there is no charge and Planning Staff will provide a direct response without process.
 - ii. Inquiries regarding process (e.g. What do I do if I want to build an accessory dwelling unit?)

Recommended Motion: I move the Molalla City Council adopt Resolution 2021-02 Authorizing a Land Use and Zoning Letter Fee.



CITY OF MOLALLA PLANNING DEPARTMENT

ZONING VERIFICATION LETTER

GENERAL INFORMATION

The purpose of a Land Use and Zoning Letter is to confirm in writing the allowed uses, development standards, and regulations applicable to a specific site. Zoning verification letters can be requested by anyone at any time.

Land Use and Zoning Letters are not purposed to provide information on real estate or property speculation. Information on proposed uses is limited to standards and regulations contained in the City Code, relevant to a particular type of use, not a specific development.

For information regarding a development proposal you may consult the City Code available on the City of Molalla Planning Page (www.cityofmolalla.com), submit a zoning checklist, or seek the advice of a planning consultant or land use attorney.

TIMELINE

Please allow **TWO weeks** for processing. This time may vary based on workload of our planning department.

Application Materials

- Written request
- Site details
- \$75 fee per parcel/lot

Making Requests

Mail requests to:

City of Molalla
Planning Department
PO BOX 248
Molalla, OR 97038

Email requests to:

Communityplanner@cityofmolalla.com

*Payment can be made in-person at City Hall in the form of cash, check, Visa or Mastercard.

*Payment can be made via phone in the form of Visa or Mastercard.

Requestors Information

Name _____

Telephone _____ Email _____

Site Address and/or Map and Tax Lot Number

***Please indicate preferred delivery of completed letter: Email -or- In Person Pick Up**

Check All Information Being Requested

Section 1 – Existing Status of Property

- Zoning district & zoning overlay districts applied to the property.
- If current Development/Use are conforming or non-conforming.
- Any known, outstanding, code violations on the property.
- Recent Land Use Decisions and Conditions of Approval
 - o From 2015 – Present
 - o These will be typed into the letter; for copies of documents a separate public records request will be required.

Section 2 – Proposed Use of Property

*Note – you will need to provide the relevant information to be assessed (e.g. proposed use).

- Proposed use is permitted
- Development Density
- Height
- Lot area and dimensions
- Lot coverage
- Landscaping Requirements
- Setbacks
- Parking Requirements

*Note: The Land Use & Zoning Letter is based upon available records. Not all records are available for all properties. The city will make efforts to find documents such as land use approvals but cannot guarantee such records exist.

Office Use Only

Date Received: _____

Application Number: ZL _____

Fee Paid (Staff Initials): _____

Assigned Planner Name: _____



RESOLUTION NUMBER 2021-02

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,
AUTHORIZING A LAND USE AND ZONING LETTER FEE**

WHEREAS, the City of Molalla has adopted a Development Ordinance and a Comprehensive Plan for the safe, efficient, structured growth and modernization of the City; and

WHEREAS, the City of Molalla Development Code and Comprehensive Plan dictate: what, when, where, and how land within the City may developed; and

WHEREAS, development related inquiries are inherently complex; and

WHEREAS, some development speculators require official letters that require special attention and result in some risk; and

WHEREAS, the benefit of development is primarily born by the individual developer, thus the costs associate with it should also be born by the individual developer; and

WHEREAS, the taxpayers of Molalla should not have to foot the bill for development speculation that is not their own.

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

Section 1. The City Council approves a \$75 Land Use and Zoning Letter fee to be added to the City's fee schedule.

Duly adopted by Molalla City Council the 13th day of January 2021

Mayor, Scott Keyser

ATTEST the 13th day of January 2021

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category:

Subject: Resolution 2021-03: Approving Molalla Sanitary Services, Inc. Rate Increase

Recommendation: Approve Resolution

Date of Meeting to be Presented: January 13, 2021

Fiscal Impact: 8% increase to customers

Background:

At the December 8, 2020 meeting, Molalla Sanitary Services, Inc. presented the need for a rate increase to Council. This Resolution acknowledges the rate increase by the City.

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



RESOLUTION NO. 2020-03

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON
APPROVING MOLALLA SANITARY SERVICES, INC. RATE INCREASE AS
CHANGE IN FRANCHISE AGREEMENT**

WHEREAS, The franchise agreement between Molalla Sanitary Services, Inc. specifies that the City Council shall be apprised of any rate adjustment for services; and

WHEREAS, Molalla Sanitary Services, Inc. has submitted a rate adjustment to the City of Molalla raising rates eight percent (8%) overall; and

WHEREAS, The proposed fees for service is hereby listed as "Attachment A" to this Resolution; and

WHEREAS, A summary of comparative rates is hereby listed as "Attachment B" 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 re hereby established and recognized as listed.

Section 2. Effective Date. Effective this 13th day of January 2021.

Signed this 13th day of January 2021.

Scott Keyser, Mayor

ATTEST:

Christie DeSantis, City Recorder

Post Office Box 1808
Oregon City, OR 97045
503.829.6183
Fax: 503.656.0320
www.molallasanitaryservice.com



MOLALLA
SANITARY
Services, Inc.

November 23, 2020

Mr. Dan Huff
City Manager
City of Molalla
117 N. Molalla Ave
Molalla, OR 97038

Re: Molalla Sanitary
Rate Adjustment

Dear Dan,

We are honored to be the provider of solid waste services to the City of Molalla for many years and are excited to continue providing services in the years ahead. Our service goal has been, and will continue to be, to provide the highest level and efficient collection service available in the industry. The automated lift collection vehicles are efficient in emptying each cart; have economical disposal sites for the various collection material, and our driver workforce averages over 15 years with us.

Clackamas County reviews the financial results of each franchisee in the County. They contract with an outside consulting group specializing in solid waste financial analysis to perform an analysis of the data submitted. Cost are adjusted to eliminate allowed for tax purposes but not allowed for determining collection fees. The County's policy is to measure the health of the solid waste collection system within a range of 8-12% return on revenues. For 2019 the county collection system was slightly below the range.

At this time we are requesting a rate adjustment. Since our last rate adjustment, solid waste disposal has increased by \$12.83/ton a 19.4% change. Overall the rate adjustment request is 8% with disposal increase representing 6% by itself.

We are providing a comparison of the rate in the surrounding unincorporated County, other cities we service and other County cites outside the Urban Growth Boundary.

Thank you for your consideration of this rate adjustment.

Very Truly Yours,

Molalla Sanitary

Cart Rates

Residential	
20gal	Weekly 16.92
35gal	Weekly 22.35
65gal	Weekly 31.04
95gal	Weekly 36.05
35gal	Monthly 13.00
35gal	Will call 9.25
Bag <20gal	Will call 6.00
Extra 35gal equivalent	7.40

Yard Debris extra	3.10
Yard Debris yearly	63.60
Recycling Only	4.50 Fixed monthly rate

Multi-Family Central billing

20gal	Weekly 15.72
35gal	Weekly 21.15
65gal	Weekly 29.84
95gal	Weekly 34.85

Commercial

35gal	Weekly 22.35
65gal	Weekly 31.04
95gal	Weekly 36.05
Ea.	(1.60) Weekly Rate

Cart Rates

Residential	
20gal	Weekly 18.27
35gal	Weekly 24.14
65gal	Weekly 33.52
95gal	Weekly 38.93
35gal	Monthly 13.85
35gal	Will call 10.00
Bag	Will call 6.45
Extra 35gal equivalent	7.75

Yard Debris extra	3.10
Yard Debris yearly	63.60
Recycling Only	4.50 Fixed monthly rate

Multi-Family Central billing

20gal	Weekly 16.67
35gal	Weekly 22.54
65gal	Weekly 31.92
95gal	Weekly 37.33

Commercial

35gal	Weekly 24.14
65gal	Weekly 33.52
95gal	Weekly 38.93
Ea.	(1.60) Weekly Rate

Effective as of December 1, 2019

Effective as of January 1, 2021

Container Rates						Container Rates					
Pickup's per week						Pickup's per week					
Containers						Container size					
1-1/3yd	1	2	3	4	5	1-1/3yd	1	2	3	4	5
ea add'l	138.31	261.62	384.93	508.24	631.55	ea add'l	149.37	283.75	418.12	552.50	686.87
Will Call	119.60	239.20	358.80	478.40	598.00	Will Call	129.96	259.91	389.87	519.82	649.78
Extra Pick-Up	52.00					Extra Pick-Up	65.89				
	42.08						44.84				
1 1/2yd						1 1/2yd					
ea add'l	151.57	288.14	424.71	561.28	697.85	ea add'l	163.70	312.39	461.09	609.78	758.48
Will Call/temporary	131.55	263.10	394.65	526.20	657.75	Will Call/temporary	142.42	284.83	427.25	569.66	712.08
Extra Pick-Up	56.00					Extra Pick-Up	70.62				
	45.39						48.42				
2yd						2yd					
ea add'l	201.41	387.82	574.23	760.64	947.05	ea add'l	217.52	420.05	622.57	825.09	1,027.61
Will Call/temporary	176.45	352.90	529.35	705.80	882.25	Will Call/temporary	189.24	378.49	567.73	756.98	946.22
Extra Pick-Up	74.00					Extra Pick-Up	88.38				
	57.85						61.88				
3yd						3yd					
ea add'l	290.93	566.86	842.79	1,118.72	1,394.65	ea add'l	314.20	613.41	912.61	1,211.82	1,511.02
Will Call/temporary	235.90	471.80	707.70	943.60	1,179.50	Will Call/temporary	273.36	546.72	820.07	1,093.43	1,366.79
Extra Pick-Up	110.00					Extra Pick-Up	120.29				
	80.23						86.05				
4yd						4yd					
ea add'l	380.45	745.90	1,111.35	1,476.80	1,842.25	ea add'l	410.89	806.77	1,202.66	1,598.54	1,994.43
Will Call/temporary	308.50	617.00	925.50	1,234.00	1,542.50	Will Call/temporary	357.47	714.94	1,072.41	1,429.88	1,787.35
Extra Pick-Up	142.00					Extra Pick-Up	152.19				
	102.61						110.22				
5yd						5yd					
ea add'l	469.97	924.94	1,379.91	1,834.88	2,289.85	ea add'l	507.57	1,000.14	1,492.70	1,985.27	2,477.84
Will Call/temporary	381.05	762.10	1,143.15	1,524.20	1,905.25	Will Call/temporary	441.58	883.17	1,324.75	1,766.34	2,207.92
Extra Pick-Up	175.00					Extra Pick-Up	184.10				
	124.99						134.39				
6yd						6yd					
ea add'l	559.50	1,104.00	1,648.50	2,193.00	2,737.50	ea add'l	604.26	1,193.52	1,782.78	2,372.04	2,961.30
Will Call	453.65	907.30	1,360.95	1,814.60	2,268.25	Will Call	525.71	1,051.41	1,577.12	2,102.82	2,628.53
Extra Pick-Up	210.00					Extra Pick-Up	216.01				
	147.38						158.57				
8yd						8yd					
ea add'l	677.10	1,339.20	2,001.30	2,663.40	3,325.50	ea add'l	731.27	1,447.54	2,163.80	2,880.07	3,596.34
Extra Pick-Up	549.00	1,098.00	1,647.00	2,196.00	2,745.00	Extra Pick-Up	636.20	1,272.41	1,908.61	2,544.81	3,181.02
	176.78						257.92				

Effective as of December 1, 2019

Effective as of January 1, 2021

Recycling Container	IF no Solid Waste container service	3.25 per YARD per Weekly yards	Recycling Container	IF no Solid Waste container service	3.25 per YARD per Weekly yards
Open Drop Box Fees					
Scheduled Service					
10yd	Haul	Disposal	10yd	Haul	Disposal
20yd	112.00	Plus Disposal rate with 14% surcharge	20yd	122.00	Plus Disposal rate with 14% surcharge
30yd	112.00	Plus Disposal rate with 14% surcharge	30yd	122.00	Plus Disposal rate with 14% surcharge
40yd	132.00	Plus Disposal rate with 14% surcharge	40yd	142.00	Plus Disposal rate with 14% surcharge
	152.00	Plus Disposal rate with 14% surcharge		162.00	Plus Disposal rate with 14% surcharge
	<4 Haul/site			<4 Haul/box	
10yd	142.00	Plus Disposal rate with 14% surcharge	10yd	152.00	Plus Disposal rate with 14% surcharge
20yd	142.00	Plus Disposal rate with 14% surcharge	20yd	152.00	Plus Disposal rate with 14% surcharge
30yd	162.00	Plus Disposal rate with 14% surcharge	30yd	182.00	Plus Disposal rate with 14% surcharge
40yd	182.00	Plus Disposal rate with 14% surcharge	40yd	212.00	Plus Disposal rate with 14% surcharge
Compacted Drop Box Haul Fee					
Under 25yd	135.00	Plus Disposal rate with 14% surcharge	Under 25yd	145.00	Plus Disposal rate with 14% surcharge
30yd	155.00	Plus Disposal rate with 14% surcharge	30yd	165.00	Plus Disposal rate with 14% surcharge
40yd	175.00	Plus Disposal rate with 14% surcharge	40yd	185.00	Plus Disposal rate with 14% surcharge
Contaminated Boxes	400.00	Customer pays Hillsboro Landfill direct	Contaminated Boxes	425.00	Customer pays Hillsboro Landfill direct

SUMMARY OF COMPARATIVE RATES

As of November 1, 2020

Residential Weekly Pickup Service	Oregon City	Gladstone	Current Molalla	Proposed Molalla	Clackamas County	Canby	Canby 3/1/21
20 Gal. Cart	23.03	23.35	16.92	18.27	30.85	22.74	24.85
35 Gal. Cart	28.33	28.80	22.35	24.14	35.10	27.08	29.56
65 Gal. Cart	38.15	39.15	31.04	33.52	45.60	43.35	47.32
95 Gal. Cart	41.25	42.35	36.05	38.93	51.45	48.07	52.46



**MOLALLA
SANITARY
SERVICE, INC.**

Uniform Drop Box Service Fees:

Rental Fee:

Occasional: \$6.80 per day after 2 working days at one site or \$68.00 per month whichever is less and only if less than one load per week is hauled.

Industrial/Commercial/Multifamily: \$55.00 per month each box

Lid Fee:

Occasional \$5.00 per week billed on 1st day of delivery for boxes with an attached lid.

Industrial/Commercial/Multifamily: \$20.00 per month

Delivery Fee \$30.00

Incidental Service Fees: \$18.00 per 5 minute increment

Standby Time: Charged when waiting for the box to be cleared, cars to be moved, etc.

Leveling Load: If a driver has to spend time getting the load level to haul it safely.

Wash Out: \$45.00 Assessed when the customer requests the service. Also assessed when drop box is contaminated and requires cleaning before delivering to a new site.

Compactor Turn-around: \$25.00 for compactor requiring repositioning on truck to enable collection and tip.

Dry Run: \$40.00 assessed when the scheduled collection is prevented because the box is blocked or the customer is not ready.

Disposal Site Rejected load returned to customer: \$65.00

Deadhead Round Trip: \$40.00 to be used for specialized boxes that cannot be exchanged.

Miscellaneous Services

Reinstatement Fee: \$10.00 When service is reinstated after it has been stopped for non-payment of if customer stops and starts more than twice in a calendar year.

Cart Redelivery: \$15.00 If cart picked up then service restarted within 12 months for non-payment.

Extra Bags: 1st Small Bag \$5.00 - \$2.00 per additional bag

Extra Cart (non Bag): 20 Gal \$3.50
35 Gal \$7.75

Trash in Yard Debris Cart: \$9.90

Trash in Recycling Cart: \$11.15



**MOLALLA
SANITARY
SERVICES, INC.**

Bulky Items		
APPLIANCES (Washer, Dryer, Stove, etc.)	\$	20.00
FRIDGE, FREEZER, AC	\$	40.00
Dense Foam Mattress Queen or King	\$	17.50
Box Springs	\$	7.50
Interspring or light foam Mattress	\$	10.00
COUCH	\$	10-\$15
CHAIR (OC)	\$	7.50-\$12
CHAIR (M, G)	\$	5.45-\$10
TIRE OFF RIM	\$	5.00
TIRE ON RIM	\$	10.00
BATTERY	\$	10.00
FILE CABINET	\$	5.00
TREADMILL	\$	20.00
TOILET	\$	5.00
Inside pickup per flight of stairs per trip	\$	9.00
INSIDE PICKUP	\$	5.00