



**AGENDA**

**MOLALLA CITY COUNCIL MEETING**  
**February 22, 2023**  
**7:15 PM**  
**Molalla Civic Center**  
**315 Kennel Ave, Molalla, OR 97038**

*Mayor Scott Keyser*

*Council President Jody Newland*  
*Councilor Crystal Robles*  
*Councilor Eric Vermillion*

*Councilor Leota Childress*  
*Councilor Terry Shankle*  
*Councilor RaeLynn Botsford*

**EXECUTIVE SESSION begins at 6:00pm:** Not open to Public, according to ORS 192.660(2): i -to review and evaluate the employment related performance of the chief executive officer of any body, a public officer, employee or staff member who does not request an open hearing.

**REGULAR COUNCIL MEETING begins at 7:15pm:** 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.

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*In accordance with House Bill 2560, the City of Molalla adheres to the following practices:  
Live-streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.  
Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ [recorder@cityofmolalla.com](mailto:recorder@cityofmolalla.com) by 4:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.*

**EXECUTIVE SESSION – 6:00pm: Not open to Public.**

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

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

**1. CALL TO ORDER AND FLAG SALUTE**

**2. ROLL CALL**

**3. CONSENT AGENDA**

- A. City Council Meeting Minutes – February 8, 2023.....Pg. 3
- B. Work Session Meeting Minutes – February 8, 2023.....Pg. 30

**4. EXECUTIVE SESSION ANNOUNCEMENT**

**5. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

**6. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

*(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.)*

- A. Ron Higginbotham, Molalla resident.....Pg. 31

**7. PUBLIC HEARINGS**

- A. Code Interpretation – Determine What Constitutes Regional for the Land Use Category “Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval”(Zinder).....**Pg. 37**
- B. Ordinance No. 2023-01: Annexing Tax Lot 52E16 00200; A 0.84 Acre Territory, and Assigning an R-2(Medium-Density Residential) City Zoning Designation to the Annexed Territory (Zinder) .....**Pg. 50**

**8. ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2023-01: Annexing Tax Lot 52E16 00200; A 0.84 Acre Territory, and Assigning an R-2(Medium-Density Residential) City Zoning Designation to the Annexed Territory (Zinder) .....**Pg. 50**
- B. Ordinance No. 2023-02: Adopting ORS 204.414 Budget Committee Rules (Teets).....**Pg. 67**
- C. Ordinance No. 2023-03: Amending Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission (Teets/Keyser).....**Pg. 70**
- D. Resolution No. 2023-03: Adopting a Public Records Request Policy (Teets).....**Pg. 72**

**9. GENERAL BUSINESS**

- A. Disc Golf Course Concurrence and Letter of Appreciation to Justin Wolfe (Corthell).....**Pg. 78**

**10. STAFF COMMUNICATION**

**11. COUNCIL COMMUNICATION**

**12. ADJOURN**

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*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 Meeting

Molalla Civic Center  
315 Kennel Ave., Molalla, OR 97038  
February 8, 2023

### CALL TO ORDER

The Molalla City Council Meeting of February 8, 2023 was called to order by Mayor Scott Keyser at 7:15pm.

### COUNCIL ATTENDANCE

Present: Mayor Scott Keyser, Council President Jody Newland, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor Rae Lynn Botsford.

Absent: Councilor Leota Childress.

### STAFF IN ATTENDANCE

Christie Teets, City Recorder; Dan Zinder, Senior Planner.

Guest Presenter: Jennifer Arnold, Emerio Designs.

### APPROVAL OF THE AGENDA

Mayor Keyser asked City Council and Staff if there were any changes to the agenda. Council President Newland stated that new information had been brought to Council regarding Item 8C, and that she would like it removed from the agenda. Consensus by Council removed the item.

### CONSENT AGENDA

- A. Work Session Meeting Minutes – January 11, 2023
- B. Goal Setting Conference Meeting Minutes and Packet – January 21, 2023
- C. Work Session Meeting Minutes – January 25, 2023
- D. City Council Meeting Minutes – January 25, 2023

*A motion was made by Councilor Shankle to approve the Consent Agenda. Vote passed 6-0, with all Councilors voting Aye.*

### PRESENTATIONS, PROCLAMATIONS, CEREMONIES

None.

### PUBLIC COMMENT

**Tom Luttrell, Molalla resident**, felt that it was unfair that the Mayor was trying to remove his girlfriend from serving on the Planning Commission.

### PUBLIC HEARINGS

- A. Emerio Designs and City Staff – Housing Needs Analysis Presentation (Zinder).....Pg. 187
  - o Staff Report and Draft Housing Needs Analysis.....Pg. 189
  - o Email #1 – City Staff and DLCD Staff re: HNA Presentation.....Pg. 211
  - o Email #2 – City Staff and DLCD Staff re: HNA Presentation.....Pg. 214
  - o Example Buildable Lands Inventory (BLI) for City of Waldport.....Pg. 218
- Public Comment related to Public Hearing*
  - o Mike Simmons, non-resident.....Pg. 233
  - o Char Pennie, resident .....Pg. 235

Senior Planner, Dan Zinder provided the staff report for the Housing Needs Analysis (HNA) and residential Buildable Lands Inventory (BLI).

Jennifer Arnold with Emerio Designs, presented a report to Council. Her company was asked by the State and DLCD to provide an appendix to the HNA. This report is intended to show the work of the HNA. She described it as a working document, as

items are changing daily. This has to do with various zoned properties that are being considered in the Housing Needs Analysis. All zones must be considered in this analysis. The State is providing further details. Consideration towards mixed zones are being discussed.

Presentaton to Planning Commission in January showed 143 acres of needed land. As items have been changed, 133 acres are needed for expansion. Wetlands are taken into account. These areas are not typically used for development. Preliminary reports indicated that the city has seventy percent available use for commercial property and thirty percent for residential.

Ms. Arnold described the Safe Harbor provision next, which is the States recommended use for HNAs and determining residential, commercial and industrial use.

Councilor Botsford questioned whether the percentages currently provided would remain the same. She’s concerned that with the State mandating more residential zoning, that it could impact Molalla’s needed commercial use. Ms. Arnold explained that Phase II of this process will be to look at what the current Code states, then perhaps amend it to require thirty percent of land for residential.

Councilor Vermillion thanked Mr. Zinder for responding to his emailed questions. (Attached to these meeting minutes.) He inquired about the rule of 55/25/20 for development, and whether that was an Administrative Rule. Ms. Arnold stated that if we go by Safe Harbor rules opposed to a thirty-year analysis, then yes, those are the requirements. This is referring to the Buildable Lands Inventory and requirements by the State of 55% of land being low-density, 25% medium-density, and 20% high-density. Examples were highlighted from the 2022-2042 BLI Methodology Appendix.

Discussion between Council and Mr. Zinder and Ms. Arnold continued. Mr. Zinder explained that he would continue to present updates to Council regarding the HNA and BLI documents as they are available.

Mayor Keyser opened the Public Hearing for the Housing Needs Analysis at 7:49pm.

**Mike Simmons, non-resident**, is very interested in a positive outcome for Molalla and it’s buildable needs. Mr. Simmons provided a memo to Council remove any consideration of residential housing over commercial land. It is not part of the Safe Harbor factoring. He feels it’s important to that parks and schools have their own plan conducted. He would like for housing needs to be its own consideration, not with comme

**David Potts, Molalla resident**, is concerned that the report by PSU is inaccurate. His statements are included in the Council packet for this meeting.

**Joe Herrera, Meadowbrook**, would like to see more single-home dwellings, with commercial and industrial buildings that create more jobs. His concern is that we are looking at temporary living opposed to permanent housing.

Mayor Keyser closed the Public Hearing at 7:59pm.

### **ORDINANCES AND RESOLUTIONS**

None.

### **GENERAL BUSINESS**

- A. R. Higginbotham Public Comment Request – Molalla Municipal Code, Chapter 6.08 Farm Animals

Mr. Higginbotham requested that Council consider adopting Clackamas County’s rule for keeping farm animals. He provided a copy of the ordinance. He also feels that having to call the Police to enforce too many chickens in someone’s yard is not a good use of Police resources. He feels an update to our current Code language is necessary. Council requested that the City Recorder schedule a Work Session to discuss this topic.

- B. Planning Commission Ordinance Review (Huff/Keyser).....Pg. 242

City Recorder Teets stated that this item had come up during the Goal Setting Conference on January 21, 2023. She presented two draft Ordinances. Council discussed the desire to have letter B in the Ordinances. Specific language was discussed.



After collaborating, the consensus was to direct staff to bring the Ordinance to read, “Absences or tardies from two regular meetings per calendar year may disqualify a member. The Planning Commission may also request that the Mayor appoint a replacement. Members must notify staff via email or telephone to be excused from regular scheduled meetings.”

Mayor Keyser made an announcement that once the Ordinance was passed, all Planning Commissioners will start with a clean slate. He also stated that he had a brief conversation with Planning Commission Chair Eaglebear, and they would be in contact with each other regarding attendance.

C. Planning Commissioner Termination (Keyser)

This item was removed from the agenda by Council.

**STAFF COMMUNICATION**

- City Recorder Teets reminded citizens that there is a Budget Committee seat open. She encouraged interested parties to contact her.

**COUNCIL COMMUNICATION**

- Councilor Botsford announced that the next Chamber of Commerce luncheon will be held at Quanex.
- Councilor Vermillion was invited to attend a Community Visioning process that was put on by the Molalla River School Board. The school district is in the beginning stages of going out for a Bond. He also thanked Andy Peters and Adam Shultz for the tour of Public Works departments.
- Councilor Robles encouraged the community to explore the Library. The Lego Club is in full swing and a great activity for kids. She also announced that the Parks CPC will now be meeting the first Monday of each month at 5:30pm at City Hall.
- Councilor Shankle explained that a Beautification & Culture CPC meeting is coming soon, so she’ll have more to report at the next meeting.
- Council President Newland spoke about the Disc Golf course being replaced at Ivor Davies Park. She feels that it is our responsibility as citizens to take our parks back by showing up there. She also shared that benches are being selected for Strawberry Park.
- Mayor Keyser shared that last Thursday the C4 meeting was held. Appointments to Metro Committees took place at that time. Mayor Hodson was appointed to the Tolling Committee that is planning for I-5 tolling. Mayor Keyser also addressed the need for a camping ordinance in the city, and that it is currently in process.

For the good of the order, the City Recorder asked which city Mayor Hodson represents. Mayor Keyser reported Canby.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Meetings – February 8, 2023”](#)

**ADJOURN**

Mayor Keyser adjourned the meeting at 8:40pm.

\_\_\_\_\_  
Scott Keyser, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Christie Teets, CMC  
City Recorder

# **City of Molalla**

## 2022-2042 Buildable Lands Inventory Methodology Appendix

## BLI Methodology

Molalla is grouped into the category of cities with a future population of 10,001 – 25,000. This analysis used the as indicated in Table 14, this method assumes 2,077 net new dwelling units, with a required mix as follows: 55% low-density, 25% medium-density, and 20% high-density. This method requires an overall (citywide) minimum density within residential base zones of: 5 dwellings per net acre; 7 dwellings/acre for UGB analysis; and the city must allow 9 units per acre overall (citywide) on its buildable residential land base. This method results in a potential UGB residential land need of 143 net buildable acres which accounts for a 25% reduction in land area to accommodate required right-of-way improvements and public lands.

The Safe Harbor Combined Housing Mix and Density Method was used for this analysis. In accordance with OAR 660-008-0005 (2), an estimate of buildable land inventory within the Molalla Urban Growth Boundary has been created to determine that amount of land available to meet housing needs. The BLI analysis used current GIS data provided by City Staff, Clackamas County Assessor parcel information and US Census data to make the following calculations for vacant land in accordance with OAR 660-024-0050(3)(a-b):

- **Step 1:** Calculate gross vacant acres by plan designation, including classifications for fully vacant and partially vacant (infill potential) parcels.
  - Per Exhibit 3: 32.99 acres of residential land is further broken down as follows:

R-1	15.78 ac
R-2	5.99 ac
R-3	11.22 ac
C-1	3.21 ac
C-2	38.11 ac

- **Step 2:** Calculate gross buildable vacant acres by plan designation by subtracting land that is constrained from future development, such as existing public right-of-way, parks and open space, steep lots, and floodplains.
  - For the purposes of this analysis, it was assumed that a 25% reduction in land area adequately accounts for open space, right-of-way, parks, and constrained lands.
    - Equation: (Step 1) X (25%)

R-1	3.94 ac
R-2	1.50 ac
R-3	2.81 ac
C-1	0.80 ac
C-2	9.53 ac

- **Step 3:** Calculate net buildable vacant acres by plan designation by subtracting future public facilities such as roads, schools, parks, and gross buildable vacant acres.
  - Equation: (Step 1) - (Step 2)

R-1	11.83 ac
R-2	4.49 ac
R-3	8.41 ac
C-1	2.41 ac

C-2	28.58 ac
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- **Step 4:** Determine total net buildable acres by plan designation by adding redevelopable acres to net buildable vacant acres.
  - The basic calculations for redevelopable properties were completed by Molalla City Staff utilizing current GIS data and visual inspection of properties.
  - Total net redevelopable properties by plan:

R-1	21.42 ac
R-2	0.57 ac
R-3	14.10 ac
C-1	2.41 ac
C-2	28.58 ac

- Equation: (Step 3) + (total net redevelopable properties by plan)

R-1	33.25 ac	Total: 60.82 ac
R-2	5.06 ac	
R-3	22.51 ac	
C-1	4.82 ac	Total: 61.98 ac
C-2	57.16 ac	

Molalla development standards allow multi-family residential development to be constructed on property with a commercial plan designation. It is not anticipated that all commercial land will be developed as multi-family residential but because it is permitted, it was considered at 7 dwelling units/acre density.

## HNA Conclusion (Updated):

From the Buildable Lands Inventory Analysis, we know that the City of Molalla has 60.82 net acres of vacant/buildable and infill potential land with a residential comprehensive plan designation within the Urban Growth Boundary and City Limits. Further broken down, Molalla staff has identified 33.25 net acres within the R-1 zone, 5.06 net acres within the R-2 zone, and 22.51 net acres in the R-3 zone. Using the 7 units per net acre density and accounting for a 25% reduction (right-of-way and public facilities), the current available land can accommodate approximately 425 of the 1,662 (Calculation: Table 14 R-1 + R-2 # of dwellings column) attached and detached dwelling units (including manufactured dwellings) needed for the projected population growth by 2042. With current available land accommodating for 25% of the needed dwelling units, this leaves a deficit of 1,237 units.

Properties with a commercial plan designation within the Comprehensive Plan permit medium-high density dwellings above commercial uses. This development is typically seen in the form of apartment or condominium dwelling units. Based on the Buildable Lands Inventory summary, Molalla staff have identified 61.98 acres of vacant/buildable and infill commercial properties (4.82 ac within C-1 zone and 57.16 ac within the C-2 zone) as shown in Exhibit 3 and further described in this document. Assuming only 30% of the commercial lands are developed as residential, an

additional 303 multi-family units can be accommodated in land currently designated residential and commercial in the Comprehensive Plan at 7 units per acre density.

A total of 728 residential dwelling units can be accommodated under current land use designations leaving a deficit of 934 dwelling units.

The Safe Harbor method results in a potential residential land need of 133 net buildable acres.



**From:** [Dan Zinder](#)  
**To:** [Dan Huff](#); [Scott Keyser](#); [Jody Newland](#); [Leota Childress](#); [Terry Shankle](#); [Crystal Robles](#); [Eric Vermillion](#); [Rae-Lynn Botsford](#)  
**Cc:** [Christie Teets](#); [Suzanne Baughman](#); [Jennifer Arnold](#); [Mac Corthell](#)  
**Subject:** RE: HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables  
**Date:** Wednesday, February 8, 2023 10:00:25 AM

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Good morning Mayor and Council,

I have a scheduled call with DLCD today to discuss some of the Safe Harbor implications Councilor Vermillion asked about as we have some of the same questions. Our Consultant with Emerio Design and I will clarify tonight. From the 55/25/20 split, the zoning type that we are most deficient in is medium-density residential (about 11.5% actual vs 25% target). Currently, our R-3 zoned lands are actually above the target (about 23% actual vs. 20% target). What I'm not sure about is whether the City would be required to target that split citywide when we rezone/expand or simply incorporate that split into our UGB expansion lands and rezoning efforts.

In the interim, I wanted to address a couple of points regarding our zoning code raised by Councilor Vermillion below so we're talking apples to apples as we go forward. Our zoning map includes three residential districts that we currently utilize: R-1 – Low-Density Residential, R-2 – Medium-Density Residential, and R-3 Medium/High-Density Residential. There's also an R-5 zone in the code to which the City has no dedicated land. If you look at the [allowed uses table from MMC 17-2.2.030](#) the biggest differences between the zones are:

- **Density** – R-1 allows for 4-8 units, R-2 allows for 6-12 units, and R-3 allows for 8-24 units (R-5 allows 6-24 units). The highest density zones also allow for smaller minimum lot sizes
- **Multifamily is allowed in R-2 and R-3 and Manufactured Home Parks allowed in R-3**

Then there are allowances for senior housing and care facilities within the higher zoning districts.

Last, the model code adopted in 2017 has always allowed for duplexes within the R-1 zone and Per Ordinance 21-09 passed by Council to comply with OR HB 2001 duplexes are allowed on the same lot sizes as SFR.

What's important to note here is that by and large, the higher density zones do not restrict single-family and other ownership models found in R-1. In fact, some of the condo and townhome developments found in the R-3 zone (Stacy LN condos, the Garden Terrace townhomes, and the condos along E Main ST come to mind along with a few other smaller projects) occur at densities that would be allowed if they were built today. You can build a single-family residential neighborhood within the higher density zones, they just *can* be built at higher densities (note that "8" is the high point for R-1 and the low point for R-3).

To that effect, once the HNA is completed, the Housing Production Strategy document (HPS), the second document within the sequential process, will be arriving at your inboxes in coming months. This process will update our Goal 10 (housing) policies to help produce the needed housing identified in the HNA. While the HNA is largely data driven and simply addresses the land need, the HPS allows cities to shape policies that work for their respective visions. I've provided a list of potential strategies that DLCDC has provided at the link below. We are not committed to any/all of these specific strategies per say but it provides a framework to start thinking about what kind of policies might work for us. From the feedback I've heard from Council and the community, policies that promote ownership models and are more restrictive towards market rate rental models would be valued and some of the policies below address those desires. This is our chance to make those policies.

[https://www.oregon.gov/lcd/UP/Documents/Full%20Cover%20Letter%20and%20HPS%20List\\_with%20links.pdf](https://www.oregon.gov/lcd/UP/Documents/Full%20Cover%20Letter%20and%20HPS%20List_with%20links.pdf)

Thank you and look forward to chatting with you all tonight.

Best,  
*Dan Zinder*

503.759.0226

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**From:** Dan Huff <dhuff@cityofmolalla.com>

**Sent:** Tuesday, February 7, 2023 11:29 AM

**To:** Scott Keyser <skeyser@cityofmolalla.com>; Jody Newland <jnewland@cityofmolalla.com>; Leota Childress <lchildress@cityofmolalla.com>; Terry Shankle <tshankle@cityofmolalla.com>; Crystal Robles <crobles@cityofmolalla.com>; Eric Vermillion <evermillion@cityofmolalla.com>; Rae-Lynn Botsford <rbotsford@cityofmolalla.com>

**Cc:** Christie Teets <cteets@cityofmolalla.com>; Suzanne Baughman <sbaughman@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>

**Subject:** FW: HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables

Mayor and Council – Councilor Vermillion sent us some insightful questions regarding the Housing Need Safe Harbor that I wanted to share with the balance of Council. Senior Planner, Dan Zinder will be leading the presentation and has indicated that these points will be addressed tomorrow night. If you all have other thoughts that need special attention, please let us know.

**Dan Huff**

**City Manager**

City of Molalla, Oregon

(503)829-6855



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**From:** Eric Vermillion <[evermillion@cityofmolalla.com](mailto:evermillion@cityofmolalla.com)>

**Sent:** Tuesday, February 7, 2023 9:47 AM

**To:** Dan Huff <[dhuff@cityofmolalla.com](mailto:dhuff@cityofmolalla.com)>; Mac Corthell <[mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)>

**Subject:** HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables

Questions for the City Re: Feb 8

UGB -

1. *What factors, thought process were involved when choosing the safe harbor table 1 over forecasting our future land needs by one of the other 2 HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables. And I'm not*



*sure where this fits but what Kelly Reid stated in the email 2-1-23, “by zone based on analysis of achieved densities in recent residential developments in each of your zones”.*

2. *Am I reading all the data correctly to arrive at my conclusion:*

- In 2020 we were:
  - R-1 72.9% (single family + Mobile home)
  - R-2 11% (du, tri & quadplexes + townhouses)
  - R-3 15.6% (Apartments)
- Building Permits 2018 - 2022
  - R-1, 69%
  - R-2, 21%
  - R-3, 9%
- Safe harbor %
  - R-1, 55%
  - R-2, 25%
  - R-3, 20%

**Conclusion:**

***Under the Housing Density Safe Harbor, Molalla would need to increase the construction of Apartments and the multiplexes and reduce the number of Single family homes.***

***It appears that the city is recommending a method that increases the R-2 & R-3 Dwelling mix. This would equate to a need for reducing the R-1 Dwelling mix and increase the density of the city by the escalating the R- 2 & 3 zones.***

3. *And please explain what Kelly Reid means by “significant implications” in the email dated Feb 1, 2023 at 8:51am*

Kelly Reid email dated Feb 1, 2023 8:51am: “The city is opting to follow the safe harbor” identified in OAR 660-024-0040(8) (f) and listed below. This has some **significant implications** for future zoning that we want to bring to your attention. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and

1. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and
2. Required overall minimum densities of 5 units/acre, assumed densities for UGB analysis of 7 units/acre, and all residential zones to allow at least 9 units per acre.

Please note that the city will be required to adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable “safe harbor” Required Overall Minimum density of 5 units/acre. It appears Molalla’s current residential density standards may already achieve this minimum density, although the city would need to show the calculations to demonstrate this is the case, at the time of UGB expansion.

If that is not the desire of the city, you have the option of forecasting your future land needs by zone based on analysis of achieved densities in recent residential developments in each of your zones, instead of using the “safe harbor.”

Thank you for all you do!

**Eric Vermillion**  
**City Councilor**  
City of Molalla  
(503) 309-1586





February 3, 2023

Dan Zinder  
Senior Planner  
City of Molalla  
117 N Molalla Ave  
Molalla, OR 97038



Re: City of Molalla Draft Housing Needs Analysis

Dear Mr. Zinder,

Thank you for sending notice to the Department of Land Conservation and Development (DLCD) of the public hearing for the city's Housing Needs Analysis (HNA). We also appreciate how closely you and your consultant team have been working with DLCD staff on this project, which is partially funded by a grant from DLCD's technical assistance grant program.

We also want to acknowledge the city's efforts to begin a sequential Urban Growth Boundary (UGB) review process to address the land needs that are expected to result from the Housing Needs Analysis. We look forward to working with you through those efforts. Once the sequential UGB review work plan is approved by the DLCD director, the City will be able to formally adopt the HNA. We expect this will occur in late spring or early summer 2023, based on Molalla's plan to submit the sequential UGB work plan to DLCD before the end of February 2023.

Because the Housing Needs Analysis is part of the City's Comprehensive Plan, the City should adopt written findings in a final staff report that demonstrate consistency with the goals and policies of the City's Comprehensive Plan. We also recommend adopting findings demonstrating compliance with statewide planning goals as well as applicable state statutes and rules.

DLCD has reviewed the draft HNA document and has the following comments:

1. The department requests opportunity and time to review the Buildable Lands Inventory (BLI). The BLI should provide answers to the following questions as well as demonstrate the methodology used, in general.
  - a. What criteria were used to identify infill potential parcels? Furthermore, how was middle housing accounted for? Does the analysis assume 3% of existing lots will be developed with a middle housing unit?
  - b. How were wetlands and other sensitive lands included (or not) in buildable land? These lands may only be considered unbuildable if there are adopted protections that preclude or significantly limit development in those areas. For example, if development is permitted in wetlands, subject to DSL and USACOE approval, they should be considered to be buildable. If locally protected, wetlands would not be buildable.
  - c. Do "approved projects" identified on the BLI map have building permits yet? If not, they are usually counted as buildable lands, unless those units were included in your existing housing inventory.

- d. Does the analysis use the assumption of 25% of land area needed for future public facilities (right of way, etc)? Or some other percentage?
2. The city is opting to follow the “safe harbors” identified in OAR 660-024-0040(8)(f) and listed below.
  - a. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and
  - b. Required overall minimum densities of 5 units/acre, assumed densities for UGB analysis of 7 units/acre, and all residential zones to allow at least 9 units per acre.

Please note that the city will be required to adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable “safe harbor” required overall minimum density of 5 units/acre. It appears Molalla’s current residential density standards may already achieve this minimum density, although the city would need to show the calculations to demonstrate this is the case, at the time of UGB expansion.

As an alternative, you have the option of forecasting your future land needs by zone based on analysis of achieved densities in recent residential developments in each of your zones, instead of using the “safe harbor.”

3. The HNA assumes a fair amount of multi-family residential development in commercial zones. We urge you to compare development capacity assumed for commercially zoned land compared to recent experience in Molalla, to determine if the proposed 7 units per acre assumption is realistic.
4. The final unit count for total housing need should include a discount/allowance for group living to meet a portion of their total residential land needs. Group quarters include such shared housing situations as nursing homes, prisons, dorms, group residences, military housing, or shelters. These residents are typically excluded from the estimated population total, before determining the amount of other types of housing that are needed for non-group households.

We request that in the coming weeks the City makes available the Buildable Land Inventory. DLCD staff will provide a timely review and work with the City if the Department has any concerns about the methodology. Thank you for your good work to plan for future housing needs in Molalla.

Sincerely,



Gordon Howard  
DLCD Community Services Director

cc. Kelly Reid, DLCD Regional Representative  
Kevin Young, DLCD Senior Urban Planner

**From:** [Dan Zinder](#)  
**To:** [Dan Huff](#); [Scott Keyser](#); [Jody Newland](#); [Leota Childress](#); [Terry Shankle](#); [Crystal Robles](#); [Eric Vermillion](#); [Rae-Lynn Botsford](#)  
**Cc:** [Christie Teets](#); [Suzanne Baughman](#); [Jennifer Arnold](#); [Mac Corthell](#)  
**Subject:** RE: HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables  
**Date:** Wednesday, February 8, 2023 10:00:25 AM

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Good morning Mayor and Council,

I have a scheduled call with DLCD today to discuss some of the Safe Harbor implications Councilor Vermillion asked about as we have some of the same questions. Our Consultant with Emerio Design and I will clarify tonight. From the 55/25/20 split, the zoning type that we are most deficient in is medium-density residential (about 11.5% actual vs 25% target). Currently, our R-3 zoned lands are actually above the target (about 23% actual vs. 20% target). What I'm not sure about is whether the City would be required to target that split citywide when we rezone/expand or simply incorporate that split into our UGB expansion lands and rezoning efforts.

In the interim, I wanted to address a couple of points regarding our zoning code raised by Councilor Vermillion below so we're talking apples to apples as we go forward. Our zoning map includes three residential districts that we currently utilize: R-1 – Low-Density Residential, R-2 – Medium-Density Residential, and R-3 Medium/High-Density Residential. There's also an R-5 zone in the code to which the City has no dedicated land. If you look at the [allowed uses table from MMC 17-2.2.030](#) the biggest differences between the zones are:

- **Density** – R-1 allows for 4-8 units, R-2 allows for 6-12 units, and R-3 allows for 8-24 units (R-5 allows 6-24 units). The highest density zones also allow for smaller minimum lot sizes
- **Multifamily is allowed in R-2 and R-3 and Manufactured Home Parks allowed in R-3**

Then there are allowances for senior housing and care facilities within the higher zoning districts.

Last, the model code adopted in 2017 has always allowed for duplexes within the R-1 zone and Per Ordinance 21-09 passed by Council to comply with OR HB 2001 duplexes are allowed on the same lot sizes as SFR.

What's important to note here is that by and large, the higher density zones do not restrict single-family and other ownership models found in R-1. In fact, some of the condo and townhome developments found in the R-3 zone (Stacy LN condos, the Garden Terrace townhomes, and the condos along E Main ST come to mind along with a few other smaller projects) occur at densities that would be allowed if they were built today. You can build a single-family residential neighborhood within the higher density zones, they just *can* be built at higher densities (note that "8" is the high point for R-1 and the low point for R-3).

To that effect, once the HNA is completed, the Housing Production Strategy document (HPS), the second document within the sequential process, will be arriving at your inboxes in coming months. This process will update our Goal 10 (housing) policies to help produce the needed housing identified in the HNA. While the HNA is largely data driven and simply addresses the land need, the HPS allows cities to shape policies that work for their respective visions. I've provided a list of potential strategies that DLCDC has provided at the link below. We are not committed to any/all of these specific strategies per say but it provides a framework to start thinking about what kind of policies might work for us. From the feedback I've heard from Council and the community, policies that promote ownership models and are more restrictive towards market rate rental models would be valued and some of the policies below address those desires. This is our chance to make those policies.

[https://www.oregon.gov/lcd/UP/Documents/Full%20Cover%20Letter%20and%20HPS%20List\\_with%20links.pdf](https://www.oregon.gov/lcd/UP/Documents/Full%20Cover%20Letter%20and%20HPS%20List_with%20links.pdf)

Thank you and look forward to chatting with you all tonight.

Best,  
*Dan Zinder*

503.759.0226

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**From:** Dan Huff <dhuff@cityofmolalla.com>

**Sent:** Tuesday, February 7, 2023 11:29 AM

**To:** Scott Keyser <skeyser@cityofmolalla.com>; Jody Newland <jnewland@cityofmolalla.com>; Leota Childress <lchildress@cityofmolalla.com>; Terry Shankle <tshankle@cityofmolalla.com>; Crystal Robles <crobles@cityofmolalla.com>; Eric Vermillion <evermillion@cityofmolalla.com>; Rae-Lynn Botsford <rbotsford@cityofmolalla.com>

**Cc:** Christie Teets <cteets@cityofmolalla.com>; Suzanne Baughman <sbaughman@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>

**Subject:** FW: HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables

Mayor and Council – Councilor Vermillion sent us some insightful questions regarding the Housing Need Safe Harbor that I wanted to share with the balance of Council. Senior Planner, Dan Zinder will be leading the presentation and has indicated that these points will be addressed tomorrow night. If you all have other thoughts that need special attention, please let us know.

**Dan Huff**

**City Manager**

City of Molalla, Oregon

(503)829-6855



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**From:** Eric Vermillion <[evermillion@cityofmolalla.com](mailto:evermillion@cityofmolalla.com)>

**Sent:** Tuesday, February 7, 2023 9:47 AM

**To:** Dan Huff <[dhuff@cityofmolalla.com](mailto:dhuff@cityofmolalla.com)>; Mac Corthell <[mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)>

**Subject:** HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables

Questions for the City Re: Feb 8

UGB -

1. *What factors, thought process were involved when choosing the safe harbor table 1 over forecasting our future land needs by one of the other 2 HOUSING NEED SAFE HARBOR: The Mix / Density Safe Tables. And I'm not*

*sure where this fits but what Kelly Reid stated in the email 2-1-23, “by zone based on analysis of achieved densities in recent residential developments in each of your zones”.*

2. *Am I reading all the data correctly to arrive at my conclusion:*

- In 2020 we were:
  - R-1 72.9% (single family + Mobile home)
  - R-2 11% (du, tri & quadplexes + townhouses)
  - R-3 15.6% (Apartments)
- Building Permits 2018 - 2022
  - R-1, 69%
  - R-2, 21%
  - R-3, 9%
- Safe harbor %
  - R-1, 55%
  - R-2, 25%
  - R-3, 20%

**Conclusion:**

***Under the Housing Density Safe Harbor, Molalla would need to increase the construction of Apartments and the multiplexes and reduce the number of Single family homes.***

***It appears that the city is recommending a method that increases the R-2 & R-3 Dwelling mix. This would equate to a need for reducing the R-1 Dwelling mix and increase the density of the city by the escalating the R- 2 & 3 zones.***

3. *And please explain what Kelly Reid means by “significant implications” in the email dated Feb 1, 2023 at 8:51am*

Kelly Reid email dated Feb 1, 2023 8:51am: “The city is opting to follow the safe harbor” identified in OAR 660-024-0040(8) (f) and listed below. This has some **significant implications** for future zoning that we want to bring to your attention. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and

1. A housing mix of 55% LDR, 25% MDR, and 20% HDR, and
2. Required overall minimum densities of 5 units/acre, assumed densities for UGB analysis of 7 units/acre, and all residential zones to allow at least 9 units per acre.

Please note that the city will be required to adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable “safe harbor” Required Overall Minimum density of 5 units/acre. It appears Molalla’s current residential density standards may already achieve this minimum density, although the city would need to show the calculations to demonstrate this is the case, at the time of UGB expansion.

If that is not the desire of the city, you have the option of forecasting your future land needs by zone based on analysis of achieved densities in recent residential developments in each of your zones, instead of using the “safe harbor.”

Thank you for all you do!



**From:** [Mike Simmons](#)  
**To:** [Mac Corthell](#); [Christie Teets](#); [Dan Zinder](#); [msimmons@hotmail.com](mailto:msimmons@hotmail.com)  
**Subject:** Re: Notes on updated HNA  
**Date:** Tuesday, February 7, 2023 4:50:13 PM

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Hello Mac, Christie, Dan,

I asked Jesse for a full professional review of the posted Draft HNA as attached.  
I will print 9 copies and bring them with me for my 3 minutes on record tomorrow.

Hopefully you find this helpful, in short the recommendation is to:

1. Clearly State the Methodology used for BLI point by point, this section is confusing and some technical terms are being used as interchangeable and they are not.
2. Remove any consideration of housing in commercial lands. This is a risk to the City, is not normal and has not been done in other small nearby cities and is not a Safe Harbor path.
3. Remove the comments of Parks and Public land from the HNA. They are not actually being accounted for in this the HNA and need their own study. the inclusion of the term Parks should only be to note it is excluded from this study.

Best Regards,  
Mike Simmons

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**From:** Jesse Winterowd <[jesse@winterbrookplanning.com](mailto:jesse@winterbrookplanning.com)>  
**Sent:** Tuesday, February 7, 2023 4:15 PM  
**To:** Mike Simmons <[msimmons616@hotmail.com](mailto:msimmons616@hotmail.com)>  
**Subject:** RE: Notes on updated HNA

Hi Mike, attached is a word format draft memorandum. I'm happy to make additional edits as needed, or finalize in a pdf format. Just let me know. We can also go over this on the phone if that helps.

Thank you! -Jesse

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**From:** Jesse Winterowd  
**Sent:** Monday, February 6, 2023 3:35 PM  
**To:** Mike Simmons <[msimmons616@hotmail.com](mailto:msimmons616@hotmail.com)>  
**Subject:** Notes on updated HNA

Hi Mike,

I made some notes on the updated HNA (attached). Would probably make sense to go over this with you.

Mike Simmons

2/8/2023

I am very interested in helping Molalla get an outcome in the end that is best for Molalla's long-term needs. As such I don't believe the approach should be to see how its needs can be squeezed into currently available space but instead an honest evaluation of all types of needs.

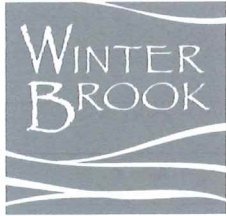
To this end I contracted WinterBrook Planning to provide a peer review Memo of the draft HNA from Emeril as WinterBrook is intimately familiar with Molalla, Safe Harbor definitions and UGB considerations in general.

I have submitted that memo by email and have provided copies to update to my preliminary comments.

In Summary those recommendations are:

1. Clearly State the Methodology used for BLI point by point as this section is confusing, and some technical terms are being used as interchangeable while they actually are not. DLCDC comments also support this need.
  
2. Remove any consideration of housing in commercial lands.
  1. This is not normal and has not been done in Molalla to date or other small nearby cities such as Estacada.
  2. This is not a Safe Harbor path.
  3. This opens a risk of challenge to the Cities adoption process.
  4. If residential units are in fact placed above commercial units it is a bonus, but often these work-live type units are only live units and commercial is lost.
  5. There is a known need for additional commercial land.
  6. DLCDC comments also support this.
  
3. Remove the comments concerning Parks and Public land from the HNA.
  1. Land for parks and Schools is not actually being accounted for in this the HNA and need their own study.
  2. The 25% net/gross ration is consumed by streets, etc. not parks.
  3. Per the comp plan ratios of park to people a consideration of Schools, the parks and school needs could be roughly approximated at 140-180 acres on their own, and at last count there is nowhere near that available.
  4. The inclusion of the term Parks then should only be to note it is excluded from this HNA study.

# Memorandum



To: Mike Simmons  
From: Jesse Winterowd, AICP, PMP  
Date: February 7, 2023  
Re: **Molalla HNA Review Notes**

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## Introduction

This memorandum provides feedback on the 2022-2024 Molalla Housing Needs Analysis (HNA) included in the January 4, 2023 Planning Commission packet.

Big picture, Molalla currently accommodates about 10,000 people on approximately 540 acres of residential land – not including parks and school land (which is predominantly zoned PSP, not residential). Of this residential land supply, only 26 acres remain vacant. The HNA appears to conclude that housing for an additional 5,000 people, *and* all future parks and schools, can be accommodated on 143 additional net buildable acres of land.

Three general areas could use additional consideration:

1. Buildable Lands Inventory (BLI). The HNA did not include detailed methodology for the BLI, which raises several questions.
2. Allocation of needed housing to Commercial land.
3. Park and school land need.

Each of these are addressed below, with a recommendation for approach. Direct quotes from the HNA in this review are indicated in ***bold italic***.

## Buildable Lands Inventory

As noted above, the HNA did not include a detailed methodology. The overview methodology (HNA, p.11) is quoted below:

***o Calculate gross vacant acres by plan designation, including classifications for fully vacant and partially vacant (infill potential) parcels.***

**Comment:** There are many assumptions that can be used to determine partially vacant land. A detailed methodology would clarify what assumptions this BLI used. What is the threshold for

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qualifying for additional development potential? Is the developed portion of the partially vacant property removed? Is the entire property assumed to be fully available, or just the currently undeveloped portion?

*o Calculate gross buildable vacant acres by plan designation by subtracting land that is constrained from future development, such as existing public right-of-way, parks and open space, steep lots, and floodplains.*

Comment: The list of constraints *seem* fine. However, it is normal to include a detailed methodology for each constraint. It would also be helpful to have a summary of constraints. How many park or open space acres were removed from supply calculations? Did the BLI use OAR 660-008 guidance (e.g., 25% slope break)? What does “steep lots” actually mean?

*o Calculate net buildable vacant acres by plan designation by subtracting future public facilities such as roads, schools, parks, and gross buildable vacant acres.*

Comment: This definition for “net buildable acres” is inconsistent with OAR 660-024-0010(6), which limits the net conversion to rights-of-way: “Net Buildable Acre” consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads.

The methodology does not indicate what assumptions it uses to determine or subtract “future public facilities such as roads, schools, parks”.

Neither the methodology nor the HNA describe the gross-net conversion. It’s unclear from the evidence presented, other than this one line of vague methodology, that there has been a gross-net conversion at all. It’s unclear what impact this methodology has on need for parks or schools, as this is the only reference to future park or school needs.

*o Determine total net buildable acres by plan designation by adding redevelopable acres to net buildable vacant acres.*

Comment: The use of terminology is inconsistent throughout the HNA and not clearly defined. Is the assumption that “redevelopable” means “partially vacant” as identified (but also not defined) in the first methodology point?

Recommendation: Refine and provide BLI methodology for review. Use standard “net buildable” definition and assign right-of-way percentage based on actual development. Evaluate school and park needs (see Park and School Land Need section below) and plan to accommodate them, OR clearly state that park and school needs are not being evaluated or accommodated in this HNA.

## Commercial Land for Housing

The HNA assumes vacant and potential redevelopment commercial properties are functionally equivalent to vacant and potential redevelopment residential land (see pp. 18-20 of the HNA). Assuming commercial land is the same as residential land for housing needs is not necessary, does

not seem to be reasonable in Molalla, does not appear to be supported by evidence, and isn't related to any safe harbor.

It's also exceedingly unclear how development of residential above retail in commercial zones will meet park and school land need – as the BLI methodology (see “net buildable” discussion above) indicates it does.

P.19 of the HNA says:

*“C-1 and C-2 are commercially zoned properties but allow for limited residential development. Manufactured homes are permitted within the C-1 and C-2 zones along with residential units above a commercial use. Molalla has 20.49 acres of commercially zoned land split between the C-1 and C-2 zones. To date, Molalla has 123 residential units within this zoning designation and equates to the second largest cohort in Exhibit 2.”*

Comment: There are a few confusing elements with this paragraph:

1. Manufactured homes are not permitted with the C-1 and C-2 zones according to Table 17-2.2.030 as published.<sup>1</sup>
2. It's unclear what this paragraph is trying to establish by saying that 123 residential dwelling units are within commercial zones.
  - a. Are any of these units accounted for in actual development summaries?
  - b. Would any of these units be allowed under current zoning regulations?
  - c. Do we have evidence of residential above retail development in Molalla?
3. Exhibit 2 is on p.11 of the HNA, and is simply the BLI map. What does “equates to the second largest cohort” refer to? What is the relevance?

**Table 14: Safe Harbor Housing Mix and Density**

Dwelling Mix	Percent	Number of Dwellings	Notes
Low Density Residential <sup>1</sup> (R-1)	55%	1,143	See OAR 660-024: Table 1
Medium Density Residential (R-2)	25%	519	See OAR 660-024: Table 1
Medium-High Density Residential (R-3)	20%	415	See OAR 660-024: Table 1
Total	100%	2,077	

<sup>1</sup>Includes Mobile Homes

Comment: Table 14 of the HNA (p.20, inserted above) uses an OAR 660-024 safe harbor housing mix, which specifically indicates a mix of residential zones to meet housing need. Assigning

<sup>1</sup> [https://library.qcode.us/lib/molalla\\_or/pub/municipal\\_code/item/title\\_17-division\\_ii-chapter\\_17\\_2\\_2?view=all](https://library.qcode.us/lib/molalla_or/pub/municipal_code/item/title_17-division_ii-chapter_17_2_2?view=all)



commercial land to meet residential zone requirements is inconsistent with the HNA's own table and the safe harbor.

Recommendation: Molalla's existing UGB was established in 1980 and planned to meet housing needs through the year 2000. Molalla is now is over 40 years into its planned 20-year UGB. It currently has a population 50% higher than planned for the UGB. Molalla has not had sufficient land to meet 20-year housing needs for most of the last 20 years. Even so, my understanding is it *still* isn't seeing a market for housing above retail, because Molalla is not a high density Metro city.

For all of the reasons identified in this section, remove the assumption to meet needed housing in commercial zones. If Molalla actually sees development of housing above retail when provided an adequate supply of residential land, incorporate that assumption into the next review.

## Park and School Land Need

As noted above in the BLI discussion, the HNA seems to indicate that park and school needs are accounted for in a net-gross conversion. However, the HNA does not otherwise evaluate or even consider park or school land needs, and this may be a significant problem for Molalla.

Molalla is anticipated to grow by about 50% (or over 5,400 people) over the next 20 years. The HNA assumes a household size of 2.72 people per household, which will likely include a good number of families with children.

Molalla River School District should be involved or at least consulted in the planning process. MRSD serves Molalla and the surrounding communities and currently has one elementary, one middle, and one high school in Molalla. It's likely Molalla will a need at least another elementary school and possibly another middle school to serve urban population growth – this could be approximately 20-60 acres of school land need. Molalla should plan to provide enough land within its UGB so that MRSD can actually find urban land within Molalla to locate the schools appropriately.

Molalla also has a Comprehensive Plan policy (see Goal 8, p.26 of Comprehensive Plan) to provide 1.25 acres of parkland per 100 population (1.0 per 100 population for developed parks). For the planned population of over 15,400 Molalla would need to provide approximately 154 acres of developed parkland. The Comprehensive Plan indicates that Molalla has 36 acres of developed parkland. In order to meet Comprehensive Plan parkland policies, Molalla should plan to accommodate approximately 120 acres of additional parks within the 2042 UGB.

As noted above, park and school land needs are likely to amount to 140-180 additional acres of land need. The HNA identifies a total of 143 net buildable acres needed to accommodate 5,000 additional people, and seems to fold in parks and schools to this need as well.

Recommendation: Actually evaluate park and school land needs, and plan to accommodate; OR if park and school needs are not being addressed in the HNA, be clear they are not so that they can be independently addressed and accommodated in the sequential review process.

**Table 1: Housing Mix/Density Safe Harbors**

A. Coordinated 20- Year Population Forecast	B. Housing Density Safe Harbor Numbers are in Dwelling Units (DU) per net buildable acre	C. Housing Mix Safe Harbor (Percentage of DU that Must be <i>Allowed</i> by zoning)		
		Low Density Residential	Medium Density Residential	High Density Residential
Less than 2,500	<ul style="list-style-type: none"> <li>Required Overall Minimum: 3</li> <li>Assume for UGB Analysis: 4</li> <li>Zone to Allow: 6</li> </ul>	70%	20%	10%
2,501 – 10,000	<ul style="list-style-type: none"> <li>Required Overall Minimum: 4</li> <li>Assume for UGB Analysis: 6</li> <li>Zone to Allow: 8</li> </ul>	60%	20%	20%
10,001 – 25,000	<ul style="list-style-type: none"> <li>Required Overall Minimum: 5</li> <li>Assume for UGB Analysis: 7</li> <li>Zone to Allow: 9</li> </ul>	55%	25%	20%
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> <li>Required Overall Minimum: 6</li> <li>Assume for UGB Analysis: 8</li> <li>Zone to Allow: 10</li> </ul>	50%	25%	25%

- **Low Density Residential:** A residential zone that *allows* detached single family and manufactured homes and other needed housing types on individual lots in the density range of 2-6 units per net buildable acre (DU/NBA). The specified mix percentage is a maximum; a local government may allow a lower percentage.
- **Medium Density Residential:** A residential zone that *allows* attached single family housing, manufactured dwelling parks and other needed housing types in the density range of 6-12 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **High Density Residential:** A residential zone that *allows* multiple family housing and other needed housing types in the density range of 12-40 units per net buildable acre. The specified mix percentage is a minimum; a local government may allow a higher percentage.
- **More than 25,000 but not subject to ORS 197.296:** The current population estimate for the city is less than 25,000 but the 20-year population forecast for the UGB is 25,000 or more. This safe harbor is not available for a jurisdiction subject to ORS 197.296 at the time of a UGB amendment.

**Table 2: Alternative Density Safe Harbors for  
Small Exception Parcels and High Value Farm Land**

<b>A. Coordinated 20-Year Population Forecast</b>	<b>B. Small Exception Parcels added to the UGB (Dwelling Units per net buildable acre)</b>	<b>C. High Value Farm Land added to the UGB (Dwelling Units per net buildable acre)</b>
Less than 2,500	<ul style="list-style-type: none"> <li>• Assume for UGB Analysis: 2</li> </ul>	<ul style="list-style-type: none"> <li>• Required Overall Minimum: 5</li> <li>• Assume for UGB Analysis: 6</li> <li>• Must Allow: 8</li> </ul>
2,501 – 10,000	<ul style="list-style-type: none"> <li>• Assume for UGB Analysis: 4</li> </ul>	<ul style="list-style-type: none"> <li>• Required Overall Minimum: 6</li> <li>• Assume for UGB Analysis: 8</li> <li>• Must allow: 10</li> </ul>
10,001 – 25,000	<ul style="list-style-type: none"> <li>• Assume for UGB Analysis: 5</li> </ul>	<ul style="list-style-type: none"> <li>• Required Overall Minimum: 7</li> <li>• Assume for UGB Analysis: 9</li> <li>• Must Allow: 11</li> </ul>
More than 25,000 but not subject to ORS 197.296	<ul style="list-style-type: none"> <li>• Assume for UGB Analysis: 6</li> </ul>	<ul style="list-style-type: none"> <li>• Required Overall Minimum: 8</li> <li>• Assume for UGB Analysis: 10</li> <li>• Must allow: 12</li> </ul>

- The standard Housing Density Safe Harbor density assumptions apply to land within the existing UGB and to land within the expanded UGB that is *not* “Small Exception Parcels” or “High Value Farm Land.” The standard Housing Mix safe harbor in Table 1 must be applied to ALL land in the UGB, including Small Exception Parcels and High Value Farmland added to the UGB.
- High Value Farmland must be planned and zoned to achieve at least two units more per net buildable acre than required by the standard Housing Density safe harbor.
- A Small Exception Parcel is a parcel five acres or less with a house on the property.
- “Not subject to ORS 197.296” means that the current population estimate for the city is less than 25,000 but the population forecast is 25,000 or more. This safe harbor is not available for a jurisdiction subject to ORS 197.296 at the time of a UGB amendment.



**Table 3: Methodology to Calculate Housing Mix for the  
“Incremental Housing Mix Safe Harbor” in OAR 660-024-0040(8)(i)**

**Example 1:** The developed housing mix in the UGB currently consists of 93% Low Density, 6% Medium Density and 1% High Density.

**Step 1:** 5% + 1% = 6% High Density Residential

**Step 2:** 10% + 6% = 16% Medium Density Residential

**Step 3:** Total for Medium and High Density: 6% + 16% = 22% Medium and High Density Residential\*

**Step 4:** 100% - 22% = 78% Low Density Residential

Under the Alternative Housing Mix **safe harbor** in OAR 660-024-0040(8)(i), buildable land in the UGB must be Zoned to Allow:

**Safe Harbor Housing Mix** = 78% Low Density, 16% Medium Density and 6% High Density.

**Example 2:** The developed housing mix in the UGB currently consists of 91% Low Density, 9% Medium Density and 0% High Density

**Step 1:** 5% + 0% = 5% High Density Residential

**Step 2:** 10% + 9% = 19% Medium Density Residential

**Step 3:** Total for Medium and High Density: 5% + 19% = 24% Medium and High Density Residential\*

**Step 4:** 100% - 24% = 76% Low Density Residential

Under the Alternative Housing Mix **Safe Harbor** in OAR 660-024-0040(8)(i), buildable land in the UGB must be Zoned to Allow:

**Safe Harbor Housing Mix** = 76% Low Density, 19% % Medium Density and 5% High Density.

\* If current housing mix has two tiers instead of three (for example, Low Density Residential and Medium-High Density, or Single-Family and Multi-Family), apply the “Low Density Residential” safe harbor percentage for Low Density Residential or Single-Family, and apply the combined “Medium Density” and “High Density” safe harbor percentages of 10% and 5%, or 15%, to Medium-High Density or Multi-Family.



## Minutes of the Molalla City Council Work Session

Molalla Civic Center  
315 Kennel Ave., Molalla, OR 97038  
February 8, 2023

### CALL TO ORDER

The Molalla City Council Work Session of February 8, 2023 was called to order by Mayor Scott Keyser at 6:07pm.

### COUNCIL ATTENDANCE

Mayor Scott Keyser, Council President Jody Newland, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor Rae Lynn Botsford. Absent: Councilor Leota Childress.

### STAFF IN ATTENDANCE

Christie Teets, City Recorder.

### DISCUSSION ITEMS

A. Molalla Area Vision and Action Plan 2030 – Review Focus Area Plans from January 21, 2023 Work Session

Parking Lot Items from Goal Setting Conference – January 21, 2023

- Chief Yelkus Road Naming
- Charge Fees for Use of City Parks/Fields
- Polls on Molalla Current
  - Ways to Engage Community
  - Top Concerns
  - Town Halls
- Light Up Roads
  - i.e. Hart and OR211
  - Work with bus barn
  - “Light Up Molalla”
- Community Tech Night
  - Assist Community with Molalla Current
  - Help sign up for text alerts
- Town Hall Ideas
  - Civics 101
  - Where citizens can start making an impact
  - Meet the City Council, City Manager and Staff
  - Short Presentations, then activities to engage

Councilors discussed the above items, directing staff to create an agenda for the February 15, 2023 Work Session.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Work Session – February 8, 2023”](#)

ADJOURN – Mayor Keyser adjourned the Work Session at 6:55pm.

\_\_\_\_\_  
Scott Keyser, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Christie Teets, City Recorder

**From:** [Ron Higginbotham](#)  
**To:** [Christie Teets](#)  
**Subject:** Re: Proposed Ordinance change  
**Date:** Thursday, February 16, 2023 5:02:32 PM  
**Attachments:** [Canby Animal Ord.pdf](#)  
[Estacada animal ordinance.pdf](#)

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Christie, after the last council meeting where I talked about why I believed the Molalla ordinance was not appropriate for the circumstances of today I looked up other cities in the area and how they address the same concerns. I highlighted the respective paragraphs.

Here is what I found for Canby:

Chickens are considered animals, and animals (not domestic pets) are not authorized to be kept in city limits unless by special permit. See attached for Canby.

Here is what I found for Estacada:

The city limits the amount of chickens based on the size of the lot, going to a maximum of 6 on any city lot. See attached for Estacada.

Please provide this to the council for their discussion.

Thank you,  
Ron Higginbotham

On Tuesday, December 20, 2022 at 02:04:35 PM PST, Christie Teets <[cteets@cityofmolalla.com](mailto:cteets@cityofmolalla.com)> wrote:

Good Afternoon,

I have received your message and will present it at the next Council meeting on January 11, 2023 during the Public Comment period. Thank you.

Kind Regards,

***Christie Teets***

City Recorder

117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038

Phone: 503.829.6855 | Direct Line: 503.759.0285

Fax: 503.829.3676



This electronic communication, including any attached documents, may contain confidential and/or legally privileged information that is intended only for use by the recipient(s) named above. If you have received this communication in error, please notify the sender immediately and delete the communication and any attachments. Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law.

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**From:** Ron Higginbotham <[ronhigginbotham@ymail.com](mailto:ronhigginbotham@ymail.com)>

**Sent:** Tuesday, December 20, 2022 11:21 AM

**To:** City Recorder <[recorder@cityofmolalla.com](mailto:recorder@cityofmolalla.com)>

**Subject:** Proposed Ordinance change

Please consider this change to the livestock ordinance in city limits.

Ron Higginbotham

1820 Toliver Rd  
Molalla OR 97038

Citizen of Molalla since 2004

## CHAPTER 6.04: ANIMALS GENERALLY

### Section

- 6.04.010 Definitions.
- 6.04.020 Keeping of certain animals prohibited.
- 6.04.030 Special permits.
- 6.04.040 Penalty.
- 6.04.050 Civil remedy.
- 6.04.060 Special permit fee.

#### § 6.04.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Animals** means all nonhuman living creatures, including bees and chickens, but excepting small fish and domestic pets.

**Domestic Pets** means dogs, cats, rabbits, small birds, hamsters and similar domesticated rodents.

#### § 6.04.020 Keeping of certain animals prohibited.

Except for domestic pets and except as otherwise provided in § 6.04.030, the keeping of animals in the city is prohibited.

#### § 6.04.030 Special permits.

Special permits for the keeping of other than domestic pets may be granted administratively by the City Administrator on terms and conditions and for periods of time as may be determined by the Administrator. Application for these permits shall be filed with the City Administrator for review and determination. A decision of the Administrator allowing a permit may be appealed to the City Council. The Council may hold a public hearing on the appeal after notice of the hearing is given in the usual manner provided for public hearings.

#### § 6.04.040 Penalty.

Any person keeping an animal in the city without a special permit, or in violation of a special permit, shall be deemed guilty of a violation, and upon conviction thereof shall be punished accordingly.

#### § 6.04.050 Civil remedy.

The city may institute an appropriate court suit to enjoin violations or threatened violations of this chapter, and in that case, shall be entitled to recover from the defendant(s) in the suit its reasonable attorneys' fees to be fixed by the trial court, and a further sum for attorneys' fees as may be fixed by the appellate court in case of an appeal.

#### § 6.04.060 Special permit fee.

The permit fee for the special animal permit shall be set forth by resolution.

(Ord. 1327, passed 5-19-2010)

#### § 6.08.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Animal** means any and all types of animals, both domesticated and wild, male and female, singular and plural.

**At Large** means off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

**Ferae Naturae** means animals which are by nature wild as distinguished from animals which are by nature tame.

**Fowl** means any and all fowl, domesticated and wild, male and female, singular and plural.

#### § 6.08.020 Running at large.

Animals and fowl are not to be permitted to run at large. No person owning or having in his or her custody animals or fowl shall permit same to go at large to the injury or annoyance of others, nor shall the animals or fowl be permitted at large upon the streets or the public ways of the city. This action is declared to be a nuisance and danger to the public health and safety.

#### § 6.08.030 Noises.

It shall be unlawful to harbor or keep any animal or fowl which disturbs the peace by noises at any time of day or night.

**§ 6.08.040 Housing.**

No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean, unwholesome or unsanitary. The premises shall not be in such a state or condition as to cause an offensive odor.

**§ 6.08.045 Offensive littering by an animal.**

Any person in control of an animal which defecates on the property of another without permission of the property owner, upon any public way as defined in O.R.S. 164.805(2) or upon public parks property commits the offense of permitting offensive littering by an animal, if the person fails to promptly remove and properly dispose of the animal waste.

**§ 6.08.050 Dangerous animals.**

No animal which is *ferae naturae* and may be dangerous to the public health or safety shall be permitted within the corporate city limits unless prior approval is obtained from the City Council. Before approval is given, the Council must find that proper precautions will be taken to ensure the public health and safety.

**§ 6.08.060 Summarily seizing certain animals.**

Any member of the Police Department or animal control officer of the city is authorized to summarily seize any animal or fowl he or she believes is dangerous, which is found running at large in violation of § 6.08.020, or which has injured any person within the corporate city limits. The seized animal or fowl shall be delivered to the pound for impounding, or otherwise confined.

## Title 6 ANIMALS

### Chapters:

Chapter 6.04 - DOGS

Chapter 6.08 - MISCELLANEOUS ANIMAL REGULATIONS

## Chapter 6.04 DOGS

### Sections:

[6.04.070 Dog control and licensing.](#)

### 6.04.070 Dog control and licensing.

The city adopts Clackamas County Code Chapter 5.01, Dog Licensing & Control, et seq., and as amended and grants consent to Clackamas County to administer this chapter within the city.

(Ord. 2001-6 § 2)

## Chapter 6.08 MISCELLANEOUS ANIMAL REGULATIONS

### Sections:

[6.08.010 Livestock and poultry.](#)

[6.08.020 Exotic animals.](#)

### 6.08.010 Livestock and poultry.

- A. No person owning, possessing, or having control of livestock shall keep such animals unless they are contained in a secure fenced area on a lot having an area of at least thirty-two thousand six hundred seventy (32,670) square feet (three-quarters (0.75) acre) per animal.
- B. A person owning, possessing, or having control of livestock shall keep such animals contained in a secure fenced area. "Livestock" means cattle, horses, and similar animals kept for domestic use but not as pets.
- C. Up to four chickens or domesticated rabbits, or any combination thereof, may be kept on any lot with a minimum area of five thousand (5,000) square feet, up to five of such animals on any lot with a minimum area of seven thousand five hundred (7,500) square feet, or up to six of such animals on any lot over ten thousand (10,000) square feet. Waste from such animals shall not be allowed to accumulate. Chicken and rabbit food shall be stored in rodent-proof containers at all times.
- D. Roosters, geese and peacocks are prohibited in the city limits.
- E. Pens, hutches, fencing or other containment shall be maintained to confine such animals to owner's property at all times.

## Title 6 ANIMALS

- F. All structures that house livestock, chickens and rabbits shall be subject to building code and development code requirements and shall be located at least twenty (20) feet from all neighboring residences, at least five feet from any side property line and at least ten (10) feet from the rear property line and shall not be located in front of the primary residential structure.
- G. No livestock, poultry or rabbits shall be slaughtered on the subject property for commercial purposes.
- H. Livestock or poultry running at large within the city may be taken up and impounded by a police officer with the procedure prescribed by this code for the disposition of abandoned personal property.

(Prior code § 5.310)

(Ord. No. 2014-004, § 1, 7-28-2014)

### **6.08.020 Exotic animals.**

Exotic animals as defined by ORS 609.305 may not be kept in the city.

(Ord. 2000-3 § 5: prior code § 5.300)

(Ord. No. 2014-004, § 1, 7-28-2014)



# City of Molalla

## City Council Meeting



### Agenda Category: Public Hearing

**Subject:** Hearing for Code Interpretation CINT01-2023.

**Date of Meeting to be Presented:** 2/22/2023 City Council Public Hearing.

**Recommended Action & Motion(s):** Council to make a legislative interpretation per MMC 17-1.5.010 on what constitutes an appropriate “regional” service area for Environmental Service Providers meeting criteria for the land use designation: “utility structures and facilities that are not part of an adopted City master plan or development review approval (MMC 17-2.2.030.)”

Staff Recommends providing a milage based interpretation for “regional.” This would capture nearby metropolitan areas that such a service provided would need to serve to be viable without expanding the scope beyond the immediate region. Exhibit A shows a 55 mile radius that would capture Portland/Vancouver, Salem, and Corvallis metropolitan areas while omitting more distant metropolitan areas.

**Fiscal Impact:** None.

**Background:** On December 16, 2022, Staff met with representatives of River City Environmental to discuss their interest in citing a new processing facility within the Molalla City Limits. The company self describes as providing environmental services in the Pacific Northwest and is currently exploring the feasibility of siting in Molalla. Among the questions posed to Staff was whether their proposed land use is allowed within City Limits.

Staff determined that this was so. In their application for this code interpretation the Company describes their operations as a staging facility for street sweeper truck and stormwater waste, septic sewage, grease trap waste, hydroexcavating materials, and other non-hazardous liquid

waste operations. Staff found that the environmental waste management services provided by the company were consistent with the Institutional Use *“Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval”* within the Allowed Uses table within MMC 17-2.2.030. However, while the use is defined, the term “regional” is not. Because such a determination requires discretion, Staff advised that the Applicant apply for a code interpretation per MMC 17-1.5.010 (see “subsection B,3”). Given that this interpretation may have significant citywide policy implications (see “subsection D”), Staff referred the request directly to City Council.

The question posed to Council is to determine what service area is appropriate for a regional utility facility specializing in environmental services and cited in Molalla. This ruling would apply to this facility and future similar facilities. The company describes their main service areas as “surrounding areas of Marion County, Clackamas County, Washington County, Multnomah County, and Clark County (WA),” serving as a reasonable baseline to understanding the service area for regional environmental services projects.

Staff’s recommendation for a 55-mile radius meets the regional need for these businesses to be viable. It allows service to nearby metropolitan areas such as Portland/Vancouver, Corvallis, and Salem while omitting more distant cities, keeping project scale within the City’s scope to accommodate it. Potential applicants would have to go through permitting including but not limited to site design review process, conditional use permitting, and industrial pretreatment permitting through the City and receive all required regional, state, and federal permits.

**Exhibit A:** 55 Mile Radius From Molalla City Center

**Exhibit B:** Application from River City Environmental

**Exhibit A:**  
55 Mile Radius From Molalla City Center



**55 Mile Radius**  
From City Center

**Legend**

- 55 Mile Radius
- Molalla





**Exhibit B:**  
Application from River City Environmental



**Community Development Department**

315 Kennel Ave/PO Box 248  
Molalla, OR 97038  
Phone 503.759.0205  
[www.cityofmolalla.com](http://www.cityofmolalla.com)

**LAND USE ACTION APPLICATION**

**Type of land use action requested (more than one may apply)**

Annexation:	<input type="checkbox"/>	Conditional Use:	<input type="checkbox"/>
Zone Change:	<input type="checkbox"/>	Partition:	<input type="checkbox"/>
Comp Plan Amendment:	<input type="checkbox"/>	Site Design Review:	<input type="checkbox"/>
Master Plan Development:	<input type="checkbox"/>	Variance:	<input type="checkbox"/>
Subdivision:	<input type="checkbox"/>	Other:	<u>Code Interpretation</u>

**Applicant information**

Name: Aquarius Environmental, LLC Phone: 503.828.0265

Mailing Address: 2117 NE Oregon Street, Suite 502

City: Portland State: OR Zip: 97232

Email: daniels@aquariusenv.com

**Owner Information**

Name: Stutzman, LLC Phone: 503 969-7591

Mailing Address: PO Box 30087

City: Portland State: OR Zip: 97294

Email: Contact@Onewaterinc.com

**Property Information**

Site address: 410 Industrial Way, Molalla, OR 97038

Zoning district: M-1 Overlay: \_\_\_\_\_ Tax lot # 52E07A 00701

Tax Account Number(s): \_\_\_\_\_ T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_

Property dimensions: 500' x 420' Property acreage: 4.89

Surrounding property uses; North: M-1 South: Undev East: M-1

West: Undev Topography: Flat

**Project Information**

Description of Proposal: See attached summary

Describe all existing buildings or structures on property: 20,000 sqft building, an outside storage container, 4 Silos, a dryer extension on the building, 2 air handlers

Prior Use: Light Industrial

Current Use: Vacant

Proposed Use: Light Industrial

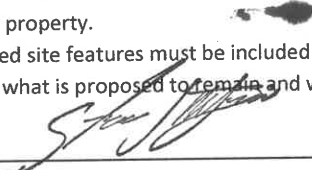
City Utilities Impacted: Water:  Sewer:  Stormwater:  None:

**Site Plan(s) and Documents Required**

1. Ownership documents if different than Clackamas County CMAP property information.
2. Provide All Easements, Covenants, Conditions, Restrictions, and Encumbrances on the property – Attach to this form.
3. Provide Elevation profiles meeting architectural standards of MCC 17-3.2.030 (D)
4. If your project is subservient to a prior project(s) please provide:
  - Planning File Number(s): N/A
  - Subdivision name/date approved: \_\_\_\_\_
  - Special Planning Permits (attach): Conditional Use/Variance/Other: \_\_\_\_\_
  - Planning Conditions of Approval (attach)
5. Site/Plot Plan
 

Plot Plan Requirements

  - Applicant's name and address.
  - Legal description of the property (Township, Range, Section and Tax Lot).
  - SITE PLAN MUST INCLUDE DIMENSIONS OF ALL EXISTING AND PROPOSED STRUCTURES, PROPERTY LINES, SETBACKS, AND DRIVEWAYS.
  - Direction of North.
  - Driveway location and location of adjacent streets.
  - Proposed and existing structures.
  - Location of any existing wells on the property.
  - Walkways, patios, patio slabs, and mechanical units (e.g. air conditioning unit)
  - Location of existing and proposed utility connections.
  - Approximate ground slope and direction of the slope.
  - Property Lines.
  - Position of all creeks, streams, ponds, springs, or other drainageways.
  - Relative elevations (1) At lot corners or construction area, and (2) At building site.
  - Existing and proposed easements.
  - All streets abutting the property.
  - All existing and proposed site features must be included and labeled as such.
  - You must also indicate what is proposed to remain and what is proposed to be removed.

Owner Signature(s):  Date: 1/13/2023

**Staff Use Only**  
File #: \_\_\_\_\_ Initial Fee Amount Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Date Fee & Application Received: \_\_\_\_\_ Person doing intake: \_\_\_\_\_

### **One Water – Receiving Station**

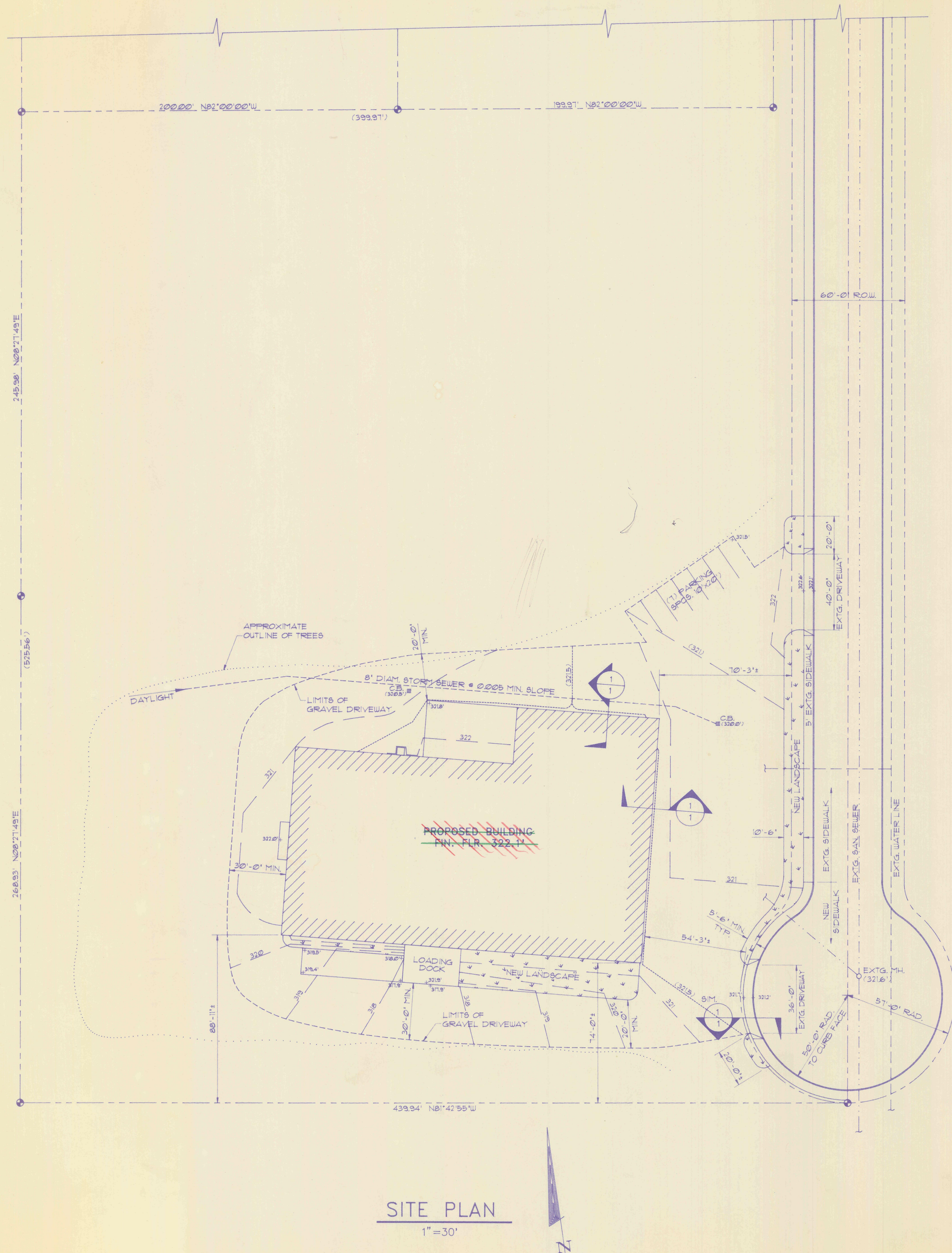
The facility proposes to operate as a staging facility for street sweeper truck / stormwater waste, septic sewage receiving, grease trap waste, hydroexcavating materials and other non-hazardous liquid waste operations in Molalla, Oregon. Waste receiving and container transfer operations are conducted on a concrete containment pad inside of the existing structure. Liquid wastes are discharged from the facility to the City of Molalla sanitary sewer after processing.

Procedural and engineering controls ensure that no solid or liquid wastes handled by the facility are designated as hazardous

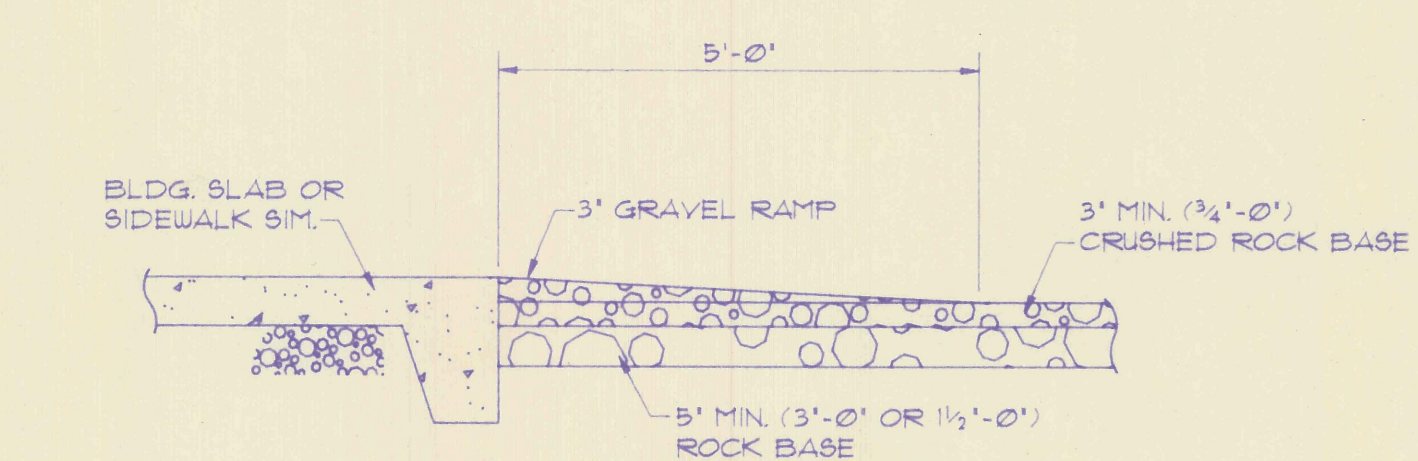
The operators have had similar facilities in Portland, Oregon for many years, without concerns for traffic, odor or other potential nuisances.

The site's plans include potential enhancements to the ventilation and odor control system, two additional buildings will be constructed on the site as future growth permits.





**SITE PLAN**  
1" = 30'



**TYP. BUILDING/SIDEWALK RAMP** 1/2" = 1'-0"

**GENERAL NOTES**

- 1.) All material and workmanship shall conform to the Uniform Building Code, State of Oregon, and local regulations. (Latest edition adopted).
- 2.) Design Loads: Roof Live Load = 25 psf. (Snow)  
Wind Load = 80 mph., Exposure A; (B + C)/2  
Seismic Load = U.B.C. Zone 3.  
Roof Collateral = 5 psf.  
Restroom Ceiling Live Load = 75 psf. (Light Storage)
- 3.) All footings to rest on firm, undisturbed soil, free of organic material, and capable of supporting 1,500 psf. Pour footings **NEAT** against soil---**DO NOT FORM**.
- 4.) All concrete to have a design strength of 2,500 psi. at 28 days, and shall contain 5 sacks of cement per cubic yard.
- 5.) Reinforcing steel to conform to ASTM A-615, Grade 60. Detailing and placement per ACI-318-83. (#3 Bars may be grade 40.)
- 6.) All anchor bolts to be ASTM A-307 minimum.
- 7.) Concrete cover to reinf. steel to be 3" min. where concrete poured against earth, 2" clear all other locations not noted or shown otherwise.
- 8.) Splice bars 24 diam. (12" min.); use L-bars with 2'-0" legs at all corners.
- 9.) For anchor bolts and all other details not shown, see building manufacturer's drawings.
- 10.) Provide (2)-#4 bars, full height, at each side of all concrete wall openings.
- 11.) Foundation design based upon reactions supplied by the building manufacturer, Pacific Building Systems.
- 12.) All pipe rails and posts to be A.S.T.M. A-53 Grade B.
- 13.) Steel studs are to be "Steel Systems International." Use manufacturers standard methods of installation, blocking and etc. for items not shown.
- 14.) Typical roof insulation to be 2" fiberglass with vinyl vapor barrier (25 max. flame spread, 450 max. smoke density, in exposed areas).
- 15.) Wall and ceiling insulation at bathroom to be R-19.
- 16.) CONTRACTOR TO VERIFY ALL DIMENSIONS AND FIELD CONDITIONS. NOTIFY ENGINEER OF SIGNIFICANT DISCREPANCIES.

**LANDSCAPE REQUIREMENTS**

- BUFFER:**
- 1) 4' MIN. REQUIRED
  - 2) 4' PROVIDED AT STREET (EAST)
  - 3) NATURAL VEGETATION 4' REMAINING SIDES
- PARKING AREA-**
- 1) (7) SPACES - NONE REQUIRED
  - 2) NONE PROVIDED
- OTHER-**
- 1) NONE REQUIRED
  - 2) 2,000 SF. PROVIDED

**BUILDING LEGAL**

- 1) OCCUPANCY... B-2 (MANUFACTURING)
- 2) CONSTRUCTION TYPE... II-N
- 3) ALLOWABLE AREA-  
BASIS: 12,000 SF  
100% INCREASE FOR 3 YARDS (60')  
ALLOWABLE AREA = 24,000 SF.
- 4) BUILDING AREA = 21,480 SF.

JOB NO. 931035-S CHECKED BY: L.P.P. DATE: 01-17-94  
 DRAWN BY: E.J.P. REVISION:  
 BREEDLOVE, McCONNELL, GRANNING, PEASE ENGINEERS, INC.  
 CONSULTING STRUCTURAL ENGINEERS  
 PORTLAND & SALEM OREGON  
 STUTZMAN BUILDING  
 MOLALLA, OREGON  
 OREGON PACIFIC CONSTRUCTION, CONTRACTOR  
 REGISTERED PROFESSIONAL ENGINEER  
 8510  
 OREGON  
 AUGUST 22, 1978  
 WILLIAM R. PEASE III  
 12-21-93  
 DWG. NO. 1  
 of 7



## Dan Zinder

---

**From:** Dan Zinder  
**Sent:** Friday, January 20, 2023 3:39 PM  
**To:** 'Jonathan Sheckard'  
**Cc:** Ronda Lee; Sam Miller; Mac Corthell; Andy Peters; Charlie Goldsmith; Steve McInnis; Daniel Scarpine  
**Subject:** RE: 410 Industrial way / Molalla Land use Application

Hi Jonathan,

Thanks for the clarification on your main service areas. Our assumption was that your service area was primarily regional and that confirmation is helpful for us in tailoring our writeup and discussions with Council.

Feel free to give me a call before 5 today. Otherwise, I'd be happy to chat with you sometime next week in a little more detail. We'll be able to be a little more concrete once we've finished the staff report. Generally, your role in the hearing will be explaining your operations and services/service area and Staff will guide the code discussion and the Council's role of determining what proximity is appropriate.

Best,  
*Dan Zinder*  
503.759.0226

---

**From:** Jonathan Sheckard <Jonathan.Sheckard@rivercityusa.com>  
**Sent:** Friday, January 20, 2023 1:19 PM  
**To:** Dan Zinder <dzinder@cityofmolalla.com>  
**Cc:** Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine <daniels@aquariusenv.com>  
**Subject:** RE: 410 Industrial way / Molalla Land use Application

Hello Dan,

We are Trying to understand the codes. If we are understanding one of the questions? The majority of the areas we are going to be servicing would be surroundings areas of Marion county, Clackamas county, Washington county , Multnomah county, and Clark county.

Does the have someone that can help coach or recommendation on the code elements?

Thank You

---

**From:** Jonathan Sheckard  
**Sent:** Wednesday, January 18, 2023 2:11 PM  
**To:** Dan Zinder <[dzinder@cityofmolalla.com](mailto:dzinder@cityofmolalla.com)>  
**Cc:** Ronda Lee <[rlee@cityofmolalla.com](mailto:rlee@cityofmolalla.com)>; Sam Miller <[smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)>; Mac Corthell <[mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)>; Andy Peters <[apeters@cityofmolalla.com](mailto:apeters@cityofmolalla.com)>; Charlie Goldsmith <[Charlie.Goldsmith@rivercityusa.com](mailto:Charlie.Goldsmith@rivercityusa.com)>; Steve McInnis <[Steve.McInnis@rivercityusa.com](mailto:Steve.McInnis@rivercityusa.com)>; Daniel Scarpine

<daniels@aquariusenv.com>

Subject: RE: 410 Industrial way / Molalla Land use Application

Dan,

Thank You for the update. I will review with the team.

Thank You

From: Dan Zinder <dzinder@cityofmolalla.com>

Sent: Wednesday, January 18, 2023 11:58 AM

To: Jonathan Sheckard <Jonathan.Sheckard@rivercityusa.com>

Cc: Ronda Lee <rlee@cityofmolalla.com>; Sam Miller <smiller@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Charlie Goldsmith <Charlie.Goldsmith@rivercityusa.com>; Steve McInnis <Steve.McInnis@rivercityusa.com>; Daniel Scarpine <daniels@aquariusenv.com>

Subject: RE: 410 Industrial way / Molalla Land use Application

Jonathan,

Mac and I had an initial discussion of the application this morning. I wanted to give you some feedback on timing and better specifics on the question we anticipate posing to Council.

First, due to noticing requirements for legislative hearings and the need to provide time for Staff review, the first hearing where we'll be able to bring this application before Council would be February 22<sup>nd</sup>.

Second, we performed an initial code review. While we believe we found a use that comfortably houses your proposed facility there's a question of whether the proximity of your proposed service area is appropriate for that use category. Your proposed service area will thus be an important element to address before the Council.

To provide a little more detail, Staff determined that the use meets the use category highlighted below from the "Institutional Uses" portion of our [Allowed Uses Table](#):

Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	I
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU	CU	CU	CU	C

The use reading is thus more straightforward than we initially thought. Construction of these facilities would simply need to undergo design review and receive a Conditional Use Permit. However, in looking over the definition for "Utilities" we found the need to make a code interpretation for proximity because the extent of where a utility service provider can be located is not objectively defined in the code.

*"Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water*

*conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or "Other" uses (e.g., Utility Corridor) as applicable."*

The Council's determination thus will be one on what constitutes "Near" as there is no objective criteria for Staff to make that determination. Presumably, your organization will be bringing in materials from areas not directly adjacent to the City so you'll need to define what your typical service area is and the extent to where there may be exceptions. The City will be providing context on the code language and guidance for reasonable determinations for the Council's decision. Our initial blush is that we do believe there is a reasonable nexus to include adjacent counties for the service area.

Hope this clarifies where we're going with this and let us know if you have any questions as the hearing approaches.

Best,  
Dan Zinder  
503.759.0226

---

**From:** Andy Peters <[apeters@cityofmolalla.com](mailto:apeters@cityofmolalla.com)>  
**Sent:** Tuesday, January 17, 2023 7:34 AM  
**To:** Dan Zinder <[dzinder@cityofmolalla.com](mailto:dzinder@cityofmolalla.com)>; Mac Corthell <[mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)>  
**Cc:** Ronda Lee <[rlee@cityofmolalla.com](mailto:rlee@cityofmolalla.com)>; Sam Miller <[smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)>  
**Subject:** FW: 410 Industrial way / Molalla Land use Application

Folks, this application was received Friday, payment taken by Ginger (\$3300).

Thanks!

Andy

---

**From:** Jonathan Sheckard <[Jonathan.Sheckard@rivercityusa.com](mailto:Jonathan.Sheckard@rivercityusa.com)>  
**Sent:** Friday, January 13, 2023 2:14 PM  
**To:** Andy Peters <[apeters@cityofmolalla.com](mailto:apeters@cityofmolalla.com)>  
**Cc:** Charlie Goldsmith <[Charlie.Goldsmith@rivercityusa.com](mailto:Charlie.Goldsmith@rivercityusa.com)>; Steve McInnis <[Steve.McInnis@rivercityusa.com](mailto:Steve.McInnis@rivercityusa.com)>; Daniel Scarpine <[daniels@aquariusenv.com](mailto:daniels@aquariusenv.com)>  
**Subject:** FW: 410 Industrial way / Molalla Land use Application

Hello Andy,

Attached you will find a copy of our complete Molalla land use application. Also attached you will find an operations description, current print of the property and a proposed print of the property for your review. I will be dropping these documents off today and will pay the application fee of \$3,300 on check #68800. Please feel free to reach out to Steve Charlie or Myself if you have any questions.

We look forward to meeting with the City council on the 25<sup>th</sup> of January.

Thank You

Vice President | River City Environmental, Inc.

Jonathan Sheckard

P: 503-252-6144 | C: 503-849-0701

D: 503-467-2608 | [Jonathan.Sheckard@rivercityusa.com](mailto:Jonathan.Sheckard@rivercityusa.com)

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# City of Molalla

## City Council Meeting



### Agenda Category: Public Hearing/Ordinances

**Subject:** DCA01-2022/ORD2023-01 Annexation and Zone Change of a property located at the southeast corner of S Feyrer Park RD and Mathias RD in Molalla and west of E 6<sup>th</sup> ST. The property is addressed at 14680 S Feyrer RD (tax lot 52E16 00200) and is 0.84 acres in size.

**Recommended Action & Motion(s):** Adopt.

1. I move the Molalla City Council conduct the first reading of ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOT 52E16 00200; A 0.84 ACRE TERRITORY, AND ASSIGNING AN R-2 (MEDIUM-DENSITY RESIDENTIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY**, by title only.

**If approved by unanimous vote of the City Council**

1. I move the Molalla City Council conduct the second reading of ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOT 52E16 00200; A 0.84 ACRE TERRITORY, AND ASSIGNING AN R-2 (MEDIUM-DENSITY RESIDENTIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY**, by title only.
2. I move the Molalla City Council adopt ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOT 52E16 00200; A 0.84 ACRE TERRITORY, AND ASSIGNING AN R-2 (MEDIUM-DENSITY RESIDENTIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY**.

**Date of Meeting to be Presented:** 2/1/2023-Planning Commission Recommendation, 2/22/2023 City Council Public Hearing, 1st reading, and possible 2nd reading/adoption.

**Fiscal Impact:** Annexation of land into the City limits provides proportionate property tax revenues to the general fund.

**Background:** The applicant is proposing to annex one 0.84 acre property, into the Molalla City Limits. The property is contiguous to the Molalla City limits, and within the Urban Growth Boundary. The applicant is proposing that the property be re-zoned from Exclusive Farm Use (EFU) to Medium-Density Residential (R-2) as designated by the Molalla Comprehensive Plan. No new development is proposed in this application.

The subject property is located along the eastern border of the City, at the southeast corner of S Feyrer Park RD and S Mathias RD. The property is currently the site of a single family home.

Posted for public review 02/09/2023.

**Exhibits:**

Exhibit 1 – Deed

Exhibit 2 – Clackamas County Property Report

Exhibit 3 – Current and Proposed Zoning Maps

Exhibit 4 – Annexation Survey and Legal Description

Exhibit 5 – Public Utility Feasibility Plan

Exhibit 6 – Findings of Fact



Ordinance No. 2023-01

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOT 52E16 00200; A 0.84 ACRE TERRITORY, AND ASSIGNING AN R-2 (MEDIUM-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 annexations 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 52E16 00200; a 0.84 acre territory located at the southeast corner of S Feyrer Park RD and Mathias RD in Molalla and west of E 6th ST; 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 proposing an R-2 (Medium-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 February 22, 2023, where Council heard and considered testimony and evidence presented by the City staff, the Applicant, and those appearing at the public hearing; and



**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 shown and described in Exhibit 1 through Exhibit 4 (the property).

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

**Section 3.** The findings related to the annexation and zone change, and supporting documentation, attached as Exhibits 1-6, are incorporated herein by reference and 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 Reorder 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:

- 1) A copy of this ordinance proclaiming the annexation,
- 2) 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 February 22, 2023, and with 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; **OR**

This ordinance was made available to the public at least 7 days prior to the first reading and was adopted at the first reading by unanimous approval of the City Council; the second reading is waived.

This ordinance is hereby adopted this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Scott Keyser, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Christie Teets, City Recorder

EXHIBIT 1 – Deed

Title Order No. 17-581137

UNTIL FURTHER NOTICE, ALL FUTURE TAX STATEMENTS SHALL BE SENT TO:

Torrence R. Leftridge  
PO BOX  
Molalla, OR 97038

TAX ACCOUNT NO: 01104281

AFTER RECORDING, RETURN TO:

Torrence R. Leftridge  
PO BOX  
Molalla, OR 97038

Clackamas County Official Records		<b>2016-079077</b>
Sherry Hall, County Clerk		11/16/2016 02:03:00 PM
D-D	Cnt=1 Str=0 LESLIE	\$63.00
\$16.00	\$22.00	\$15.00
\$10.00		
This area reserved for County Recorder.		

STATUTORY BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that, **Torrence R. Leftridge and Julie A. Leftridge**, as tenants by the entirety, hereinafter called Grantor(s), for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto, **Torrence R. Leftridge**, hereinafter called Grantee(s), and unto grantee(s) heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR FULL LEGAL DESCRIPTION

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00.

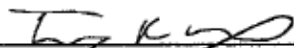
In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.


IN WITNESS WHEREOF, the grantor has executed this instrument on 11/10/16; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00 and other valuable consideration

Dated: November 9, 2016

  
Torrence R. Leftridge

  
Julie A. Leftridge

RECORDED BY NEXTITLE  
ORDER NO. 4402-023811

STATE OF OREGON )  
COUNTY OF Clackamas ) ss

This instrument was acknowledged before me on 10<sup>th</sup> day, of November 2016

By Torrence R Leftridge

This instrument was acknowledged before me on 10<sup>th</sup> day, of November 2016

By Julie A Leftridge

As \_\_\_\_\_

Of \_\_\_\_\_

Kathleen Garvie Douglas  
Notary Public for Oregon  
My commission expires: May 14, 2019



# EXHIBIT 2 – Clackamas County Property Report

1/24/23, 10:17 AM

Property Report



## Property Report

Geographic Information Systems  
121 Library Court  
Oregon City, OR 97045



<b>Parcel Number</b>	01104281
<b>Tax Payer</b>	LEFTRIDGE TORRENCE R
<b>Site Address</b>	14680 S FEYRER PARK RD, MOLALLA, OR 97038
<b>Mailing Address</b>	14680 S FEYRER PARK RD, MOLALLA, OR 97038
<b>Tax Lot Number</b>	52E16 00200
<b>Land Value</b>	\$170,394.00
<b>Building Value</b>	\$621,220.00
<b>Total Value</b>	\$791,614.00
<b>Bedrooms</b>	2
<b>Bathrooms</b>	1
<b>Living Area</b>	2978
<b>Assessed Acres</b>	0.84
<b>Assessed Value</b>	\$386,631.00
<b>Year Built</b>	1963
<b>Sale Date</b>	11/09/2016
<b>Sale Amount</b>	\$0.00
<b>Sale Type</b>	S
<b>Document Number</b>	2016-079077
<b>Land Class</b>	101
<b>Building Class</b>	14
<b>Neighborhood</b>	Molalla rural north 100, 101
<b>Taxcode Districts</b>	N/A

about:blank

1/2

<b>Urban Growth Boundary</b>	Molalla UGB
<b>FEMA</b>	Area Of Minimal Flood Hazard
<b>Zoning</b>	EFU: 0.84 acres
<b>Fire District</b>	Molalla RFPD #73
<b>Park District</b>	Not In District
<b>School District</b>	Molalla River
<b>Sewer District</b>	N/A
<b>Water District</b>	N/A
<b>Community Planning Organization</b>	Molalla
<b>Garbage And Recycling Service</b>	Molalla Sanitary
<b>City</b>	Unincorporated Clackamas County

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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.

Generated:  
Tue, 24 Jan 2023 18:13:04 GMT

### EXHIBIT 3 – Current Zoning & Proposed Zoning Maps

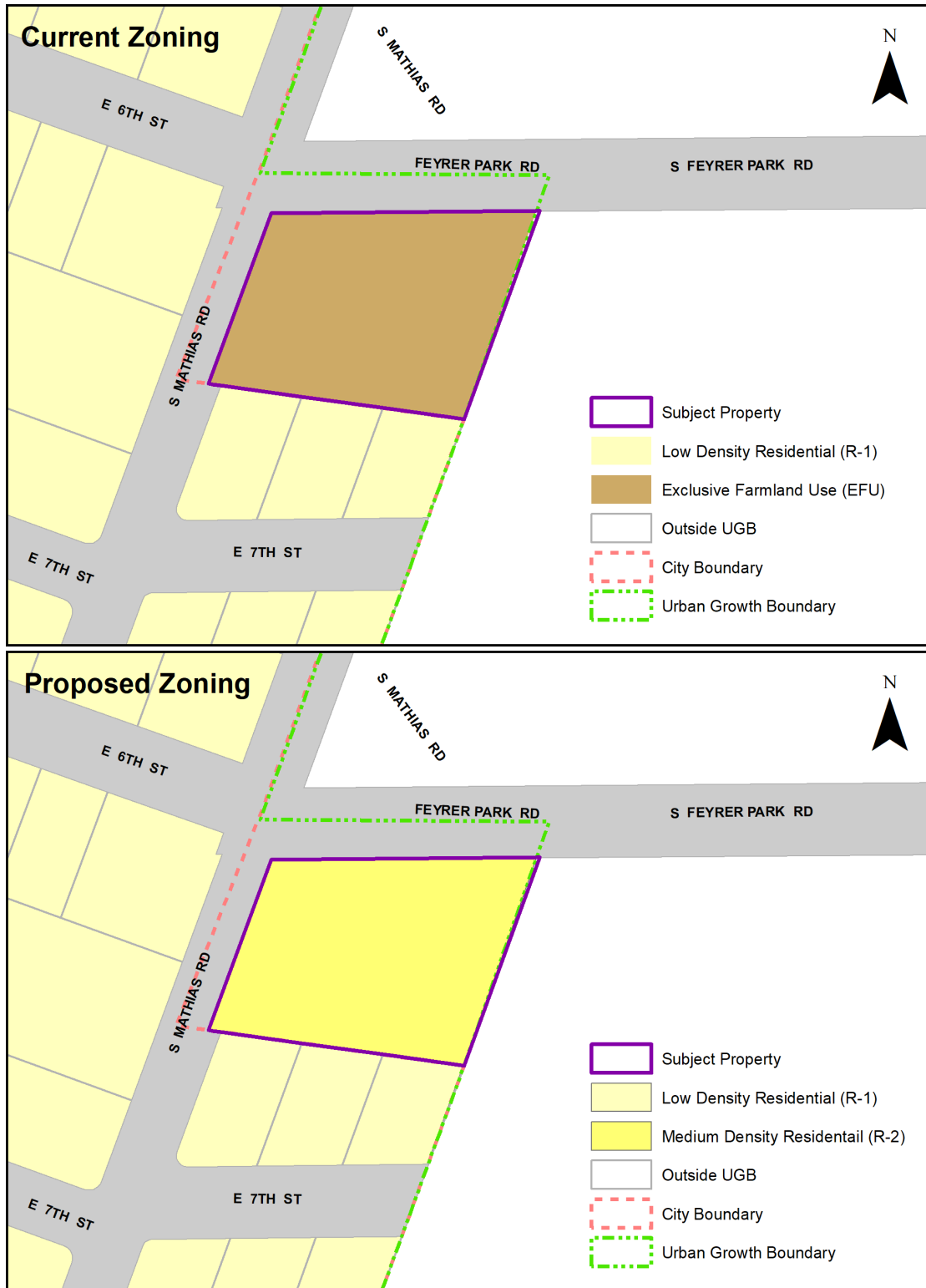
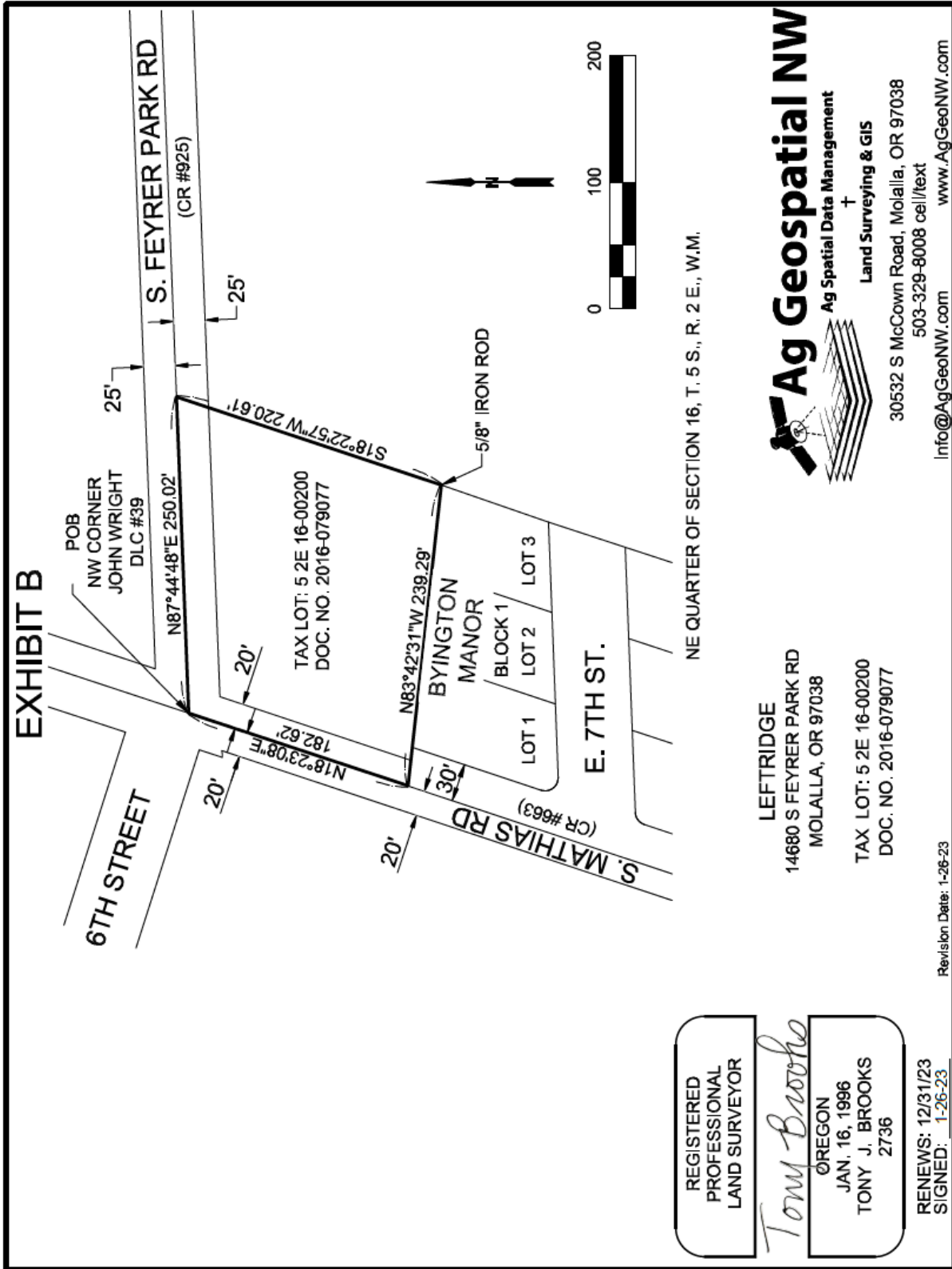


EXHIBIT 4 - ANNEXATION SURVEY & LEGAL DESCRIPTION



NE QUARTER OF SECTION 16, T. 5 S., R. 2 E., W.M.

**Ag Geospatial NW**  
 Ag Spatial Data Management  
 +  
 Land Surveying & GIS

30532 S McCown Road, Molalla, OR 97038  
 503-329-8008 cell/text  
 Info@AgGeoNW.com www.AgGeoNW.com

**LEFRIDGE**  
 14680 S FEYRER PARK RD  
 MOLALLA, OR 97038  
 TAX LOT: 5 2E 16-00200  
 DOC. NO. 2016-079077

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Tony Brooks*

OREGON  
 JAN. 16, 1996  
 TONY J. BROOKS  
 2736

RENEWS: 12/31/23  
 SIGNED: 1-26-23

Revision Date: 1-26-23



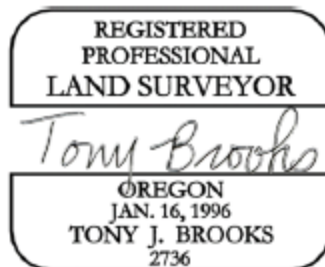
## LEGAL DESCRIPTION

A tract of land in the John Wright D.L.C. No. 39, in the NE quarter of Section 16, T. 5 S., R.2 E. of the Willamette Meridian, Clackamas County, Oregon, the said tract being that property conveyed to Torrence R. Leftridge by Statutory Bargain and Sale Deed recorded in the Deed Records of Clackamas County as Document No. 2016-079077, the said tract being more particularly described as follows:

**Beginning** at a 3-1/4 inch diameter County bronze disk marking the Northwest corner of said John Wright D.L.C. and also marking the centerline intersection of South Feyrer Road (County Road No. 925) and South Mathias Road (County Road No. 663); thence N 87°44'48" E along the centerline of South Feyrer Road a distance of 250.02 feet; thence, leaving said centerline, S 18°22'57" W a distance of 220.61 feet to a 5/8-inch iron rod; thence N 83°42'31" W along the North line of the plat of Byington Manor and its Westerly extension a distance of 239.29 feet to the centerline of South Mathias Road; thence N 18°23'08" E along said centerline a distance of 182.62 feet to the **Point of Beginning**, containing an area of 1.08 acre, more or less.

SUBJECT TO: The rights of the public in and to that portion of the premises herein described lying within the limits of roads and highways.

Bearings are based on "OCRS (OREGON COORDINATE REFERENCE SYSTEM) SALEM" NAD 1983(2011) EPOCH 2010.00, International Feet, established per Trimble VRSNOW Oregon GPS Network.



RENEWAL: 12/31/23  
SIGNED: 9-16-22



EXHIBIT 6 – FINDINGS OF FACT

Applicable to Annexation Only

Annexation Criteria in Oregon Revised Statute 222.127

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.*

**Finding:** Chapter X, Section 38 of the City of Molalla Charter requires a petition proposing annexation of territory to be submitted to the electors of the city, thus ORS 222.127 supersedes the city charter for purposes of annexation.

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 [criterion 2(a)-(d), 3, and 4 below are met]:*

**Finding:** The city is in receipt of a petition proposing annexation of the territory described in Exhibits 1-6 of Ordinance 2022-01. The petition was filed by the sole owner 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 western border of the subject lot is contiguous to the city limits.

This criterion is met.

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

**Finding:** MMC Table 17-3.1.020 makes annexation application approvals subject to public facilities requirements in MMC 17-3.6. The application includes a staff approved public facilities feasibility plan which is attached to this ordinance as Exhibit 5.

Also see MMC 17-4.6.030 Analysis below regarding amendments to the zoning map.

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 proposed is sufficient to locate infrastructure and right of way access for services necessary to develop.

This criterion is not applicable.

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 applies to the territory proposed for annexation, however there is no need to annex additional property as described in subsection 3 (see findings in subsection 3).

This criterion is not applicable.

## Applicable to Annexation and Zone Change

### MMC 17-4.6.030 Annexation & Zone Change Approval Criteria

*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 subject properties with a zoning designation of R-2, Medium-Density Residential. The annexation deals with land that is part of the comprehensive plan and the concurrent zone change proposal is for an R-2 zoning designation which 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 annexation and zone change is intended to prepare the subject property for redevelopment of the site at a later time in compliance with the Molalla Comprehensive Plan. The Exclusive Farm Use (EFU) zoning of this territory is not consistent with the Comprehensive Plan, which designates the property as R-2. The zone change will cure that inconsistency. With a growing community, this annexation and zone change provide additional residential lands; lands that are currently at a deficit within the community and whose development as residential is consistent with the Comprehensive Plan.

This criterion is met.

*(D) The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance*

**Finding:** This 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.

## Applicable to Zone Change Only

### *MMC 17-1.2.060 Development Code and Zoning Map Implementation*

*(A) Zoning of Areas to be Annexed. Concurrent with annexation of land to the City of Molalla, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 17-4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.*

**Finding:** This proposal is a concurrent annexation and zone change proposal. Chapter 17-4.6 of the comprehensive plan designates the land at issue in this proposal as Medium-Density Residential (R-2), and the proposal is consistent with that designation.

This criterion is met.



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: Ordinances & Resolutions

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**Agenda Date:** February 22, 2023

**From:** Christie Teets, City Recorder  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** Ordinance No. 2023-02: Adopting ORS 294.414, Budget Committee Rules

**FISCAL IMPACT:** N/A

#### **RECOMMENDATION/RECOMMEND MOTION:**

To hold the First Reading of Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules by title only.

*If passed unanimously:*

To hold the Second Reading of Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules by title only.

Move to adopt Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules by title only.

#### **BACKGROUND:**

Molalla Municipal Code does not include language regarding Budget Committee. The City follows ORS 294.414 Budget Committee Law and would like to adopt the required State rules.





## ORDINANCE NO. 2023-02

### AN ORDINANCE OF THE CITY OF MOLALLA, OREGON. ADOPTING ORS 294.414 BUDGET COMMITTEE RULES

**WHEREAS,** The City of Molalla desires to adopt ORS 294.414 Budget Committee rules; and

**WHEREAS,** the following rules will apply to Budget Committee members.

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

**Section 1.** (1) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.

(2) The members of the budget committee shall receive no compensation for their services as members of such committee.

(3) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.

(4) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.

(5) Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.

(6) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.

(7) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To affect a reduction, the governing body of the municipal corporation may remove such a number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (4) of this section, or four, if the terms of the appointive members are governed by subsection (5) of this section, equal or approximately equal groups as to terms. In case of an increase,

additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

(8) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members.

**Section 2: Effective Date.** The effective date of this Ordinance will take place immediately after adoption.

-OR- This Ordinance shall take effect 30 days after enactment.

The First Reading was held on February 22, 2023, and moved to a Second Reading by \_\_\_\_\_ vote of the City Council.

The Second Reading was held on \_\_\_\_\_ and adopted by the City Council on \_\_\_\_\_.

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST:

\_\_\_\_\_  
Christie Teets, CMC  
City Recorder



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: Ordinances & Resolutions

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**Agenda Date:** February 22, 2023

**From:** Christie Teets, City Recorder  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** Ordinance No. 2023-03: Amending Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission

**FISCAL IMPACT:** none

#### **RECOMMENDATION/RECOMMEND MOTION:**

To hold the First Reading of Ordinance No. 2023-03: Amending Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, by title only.

*If passed unanimously:*

To hold the Second Reading of Ordinance No. 2023-03: Amending Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, by title only.

Move to adopt Ordinance No. 2023-03: Amending Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, by title only.

#### **BACKGROUND:**

City Council has been working to amend the language of MMC, Chapter 2.06, terms of members. Staff and Council reviewed at the February 8<sup>th</sup> regular meeting. This ordinance is the outcome of that meeting.



**ORDINANCE NO. 2023-03**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.  
AMENDING MOLALLA MUNICIPAL CODE, CHAPTER 2.06 HEARINGS  
BODIES AND THEIR DUTIES, ARTICLE III. PLANNING COMMISSION**

**WHEREAS,** The Molalla City Council has reviewed Molalla Municipal Code, Chapter 2.06 Hearings Bodies and Their Duties, Article III. Planning Commission, 2.06.110 Terms of Members; and

**WHEREAS,** City Council desires to make a change to Chapter 2.06.100, letter B.

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

**Section 1.** Chapter 2.06.100, letter B shall state, "Absences or tardies from two regular meetings per calendar year may disqualify a member. The Planning Commission may also request that the Mayor appoint a replacement. Members must notify staff via email or telephone to be excused from regularly scheduled meetings.

**Section 2. Effective Date.** The effective date of this Ordinance will take place immediately after adoption.

The First Reading was held on February 22, 2023, and moved to a Second Reading by \_\_\_\_\_ vote of the City Council.

The Second Reading was held on \_\_\_\_\_ and adopted by the City Council on \_\_\_\_\_.

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST:

\_\_\_\_\_  
Christie Teets, CMC  
City Recorder



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: Ordinances & Resolutions

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**Agenda Date:** February 22, 2023

**From:** Christie Teets, City Recorder  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** Resolution No. 2023-03: Adopting a Public Records Request Policy

**FISCAL IMPACT:** varies

**RECOMMENDATION/RECOMMEND MOTION:**

Move to adopt Resolution No. 2023-03: Adopting a Public Records Request Policy, by title only.

**BACKGROUND:**

The City currently has an outdated Administrative Policy for Public Records Requests. In keeping with the standards set by the Secretary of State and ORS 192.311, staff requests an update to the policy.



## RESOLUTION NO. 2023-03

### A RESOLUTION OF THE CITY OF MOLALLA, OREGON ADOPTING A PUBLIC RECORDS REQUEST POLICY

**WHEREAS,** The City of Molalla desires to establish a Public Records Request Policy per ORS 192.311 through 192.478; and

**WHEREAS,** The following summarizes how the City will furnish proper and reasonable opportunities for the examination of non-exempt City public records; and

**WHEREAS,** This policy does not require City to produce or create new records, information, or extract data upon request.

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

**Section 1. RECORD REQUESTS:** Requests for City public records must be submitted in writing, on the form attached to this Policy as Exhibit A, to the City Recorder, Municipal Clerk, or Police Department, as to which records pertain. At a minimum, requests must include:

- A. The name and address of, and sufficient contact information for, the person requesting the public records;
- B. The date of the request; and
- C. A detailed description of the record(s) requested, including subject matter and year(s) of creation. Sufficient keywords must be provided to locate the requested electronic records.

**Section 2. TYPES OF REQUESTS**

- A. Level 1: Requested records must be readily accessible and able to be provided with no more than 15 minutes of staff time. Level 1 records require no duplication (hard copy or digitization) or redaction. Level 1 requests are not subject to the Public Records Fee Schedule, and requested records will be provided with the City Acknowledgement, per Section 4. A.
- B. Level 2: Requested records are not immediately accessible but can be accessed with no more than 30 minutes of staff time. Level 2 records will not exceed 50 pages, must be located within a single department, and must not include exempt information or require attorney review prior to release.
- C. Level 3: Level 3 requests are complex, involve multiple staff and/or departments, or require more than 30 minutes of staff time. Such requests may involve extensive research or compilation of records. Any request requiring legal review falls within this Level 3 category.

**Section 3. CITY RESPONSE:**

- A. Acknowledgment. Within five (5) business days of receipt by the designated custodian, the City will acknowledge receipt of a request per the acknowledgment portion of the attached Exhibit A.



- B. Completion. Except as provided in subsection 4.C, within ten (10) business days after the acknowledgement period, receipt or waiver of any estimated fees, or receipt of any requested additional information, City shall send requestor a response in the form attached as Exhibit B to this policy and either:
- 1) complete the public records request; or
  - 2) provide a written statement to the requestor that the City is processing the request and a reasonable estimated date by which the City expects to complete its response based on the information currently available.
- C. Exception. The City shall acknowledge a public records request and complete its response as soon as practicable and without unreasonable delay, rather than complying with the time periods set in Sections 4.A and 4.B if those time periods are impracticable because:
- 1) Staff necessary to complete a response to the public records request are on leave or are not scheduled to work;
  - 2) Compliance would demonstrably impede City's ability to perform other necessary services; or
  - 3) Of the volume of public records requests being simultaneously processed by the City.

#### **Section 4. FEES**

The Public Records Fee Schedule governing City responses to public record requests is set annually by Council resolution within the City's Master Fee Schedule. The Public Records Fee Schedule is available from the City Recorder. City's actual costs to respond to a request must be paid per the Public Records Fee Schedule prior to a record's release or as follows:

A. Cost Estimate. After acknowledging a Level 2 or 3 request, per Section 4.A, staff will prepare a cost estimate reasonably calculated to reimburse the City for its actual costs in making such records available. A cost estimate includes, but is not limited to, the City's incurred costs, plus staff time, for: summarizing, compiling, or tailoring a record (either in organization or media) to meet the person's request; locating the requested records; reviewing the records in order to separate exempt from non-exempt material as provided by ORS 192.338; supervising a person's inspection of original documents in order to protect the records; copying records; certifying document as true copies; or sending records by special method such as express mail; and attorney time to review and segregate records.

B. Deposit. City will provide the prepared cost estimate to the requestor and will require a deposit for estimates over \$25 before expending additional City resources on the request. City staff will begin work on the request after the receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release records until the City's actual costs are paid in full. If the actual cost of responding to a request is less than the estimated cost, then the balance of the deposit will be refunded promptly. City shall close any public records request if a requestor fails to pay the estimated or reduced fee within 60 days of the date on which the City informed the requestor of the requirement for pre-payment of fees.

C. Fee Waivers or Reductions:

- 1) Requests for fee waivers or reductions must be submitted in writing and include the requestor's name, address, basis for the request, and explanation of how the request primarily benefits the general public interest.

2) City may consider whether the requestor can demonstrate the ability to disseminate the information to the public or otherwise benefit the general public with the information. The City may consider the requestor's ability to pay and any financial hardship on the City that would arise from granting a waiver.

3) Fee waiver or reduction requests from news media for Level 2 records will be granted. Fee waiver or reduction requests from the news media for Level 3 records may be granted in whole or in part, or denied and charged in accordance with the City's Public Records Fee Schedule.

4) The decision of the City Manager or designee on any fee waiver or reduction is final.

**Section 5. INSPECTION OF ORIGINAL RECORDS:**

A. A person making a public records request may personally inspect the requested records within City Hall, during regular City business hours, by appointment only. The right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present at all times while records are inspected. City staff shall immediately terminate a review if a person attempts to alter, remove, or destroy any record.

B. The City will allow persons requesting copyrighted records to inspect those records and may allow limited copying of such records if authorized by Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

**SECTION 6. FORMS**

The City Recorder is hereby authorized to modify any form attached to this policy to reflect changes in the law or to accommodate any particular request, subject to City Attorney review.

**SECTION 7. Effective Date.** This Resolution becomes effective upon the passage of City Council.

Signed this 22<sup>nd</sup> day of February 2023.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST:

\_\_\_\_\_  
Christie Teets, CMC  
City Recorder



# PUBLIC RECORDS REQUEST

City of Molalla | 117 N. Molalla Avenue | Molalla, OR 97038  
T: 503-829-6855 | F: 503-829-3676 | E: [recorder@cityofmolalla.com](mailto:recorder@cityofmolalla.com)

Requestor's Name \_\_\_\_\_

Name of Business/Organization (If applicable) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Date of Request \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

**Information Requested:** Please be specific and provide as much detail as possible to allow City staff to determine the requested records' nature, content, and department in which in the record(s) may be located, including dates and key words.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### REQUESTOR TO READ AND SIGN

I understand that Oregon Revised Statute (ORS) 192.314 states that every person has a right to inspect any nonexempt public record. Further, I understand that fees may be charged to reimburse the City for its actual costs in making the records available. Such calculation may include staff time, costs for compiling, or copying a record to meet my request. I hereby request that the City of Molalla City Recorder produce, as best to their ability, the records specified above. Any fees must be paid prior to release of the record(s) requested. A deposit for fees, based on the estimated cost, will be required for any estimate above \$25.00. For estimates above \$25.00, the City will provide a written estimate of the cost, and will seek confirmation to proceed or cancel the request. I understand that if the fee is not paid or addition requested information is not provided within 60 days, the request will be closed.

Signature of Requestor \_\_\_\_\_

Date \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Received \_\_\_\_\_

Date Compiled \_\_\_\_\_

Date Notified \_\_\_\_\_

Received By \_\_\_\_\_

Compiled By \_\_\_\_\_

Prepayment Received \$ \_\_\_\_\_

Actual Cost \$ \_\_\_\_\_

Refund Due \$ \_\_\_\_\_

Balance Due City \$ \_\_\_\_\_

**City of Molalla – Public Records Request Policy**

**Resolution No. 2023-03**

Adopted February 22, 2023

Upon receipt of a public records request, the City shall reply within five business days that the request was received and confirm whether the City is the custodian of the requested records or explain why more time is needed for a full response. ORS 192.324(1)(2). The City shall complete its response as soon as practicable and without unreasonable delay. ORS 192.329(1); ORS 192.329(5).

It is the City’s policy, in accordance with state law, to recover its actual costs for retrieval of documents not immediately available or requiring staff research. ORS 192.324(4). The City may furnish records without charge or a reduced fee if its determined that making the record available benefits the general public. ORS 192.324(5).

The estimate of expected costs shall be provided to the requestor by staff in writing and the response will be suspended until the fees are paid (or waived). ORS 192.329(3). If the City requests additional information or clarification from the requestor, the response to the request is suspended until the requested information is provided. ORS 192.329(4).

Should the actual cost of responding to the request be less than estimated, a refund will be made to the requestor. Should the actual cost of responding to the request exceed the estimate by less than \$25, requestor shall pay balance due.

Upon receipt of the cost estimate or the initial receipt of the request, the City has ten business days to complete its response or provide in writing that additional time is needed. ORS 192.329(5).

**FEES**

**Level 1 Request (staff time of 30 minutes or less)**

- A. Provided via email *No Charge*
- B. Hard copies to be picked up or mailed *25 cents per side (50 cents double sided)*

**Level 2 Request (staff time up to 30 minutes or more)**

- A. Actual costs to reproduce, staff time, per page fees *Research Fee + per page fee*

**Level 3 Request (staff time exceeds 30 minutes, complex request)**

- A. Actual costs to reproduce, including staff time, legal review, outside services/consultants, per page fee, redaction fees *Research Fee + per page fee*

*Research Fee:* \$25.00 for 30 minutes or more. (Any research more than 30 minutes will be at actual employee personnel costs)

*Hard copies:* 25 cents for single side | 50 cents for double side

*Redaction Fee:* Employee personnel services costs and/or legal review

*Flash Drive (1GB):* \$5.00 each

*Electronic search of city server:* Actual costs (employee personnel costs or consultant fees)

*\*Fees set according to City of Molalla Resolution No. 2022-09*

**RECORDS OFFICER ACKNOWLEDGMENT OF REQUEST:**

- The City is the custodian of the requested records.
- The City is NOT the custodian of the requested records. This completes the request and no further action is required.
- The City is unsure whether it is the custodian of the requested records. We will search for the record and make an appropriate response as soon as possible. Additional details: \_\_\_\_\_
- We request the following additional information to clarify and /or expedite the request: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Copies of the requested record(s) are attached or are available on the city’s website: [www.cityofmolalla.com](http://www.cityofmolalla.com)



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

#### Agenda Category: General Business

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**Agenda Date:** February 22, 2023

**From:** Mac Corthell, Community Development Director  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** Molalla Disc Golf Course at Ivor Davies Park

**FISCAL IMPACT:** Approximately \$4,000

**RECOMMENDATION/RECOMMEND MOTION:** Staff requests consensus on the course and layout.

Based on the stated interest in the disc golf course by both community members and disc golfers at large, staff believes installation of this course will provide a significant attraction that will benefit overall community and economic development in Molalla.

**BACKGROUND:** The City of Molalla Disc Golf Course was originally located at Clark Park, but certain improvements and park uses conflicted with the course layout, so it was taken down with the intention of relocating it to Ivor Davies Park.

When relocation began, a few issues began to arise including vandalism and potential conflicts with residential properties neighboring the park. At that time, circa June 2022, the course installation was put on hold until further notice.

In the time that has elapsed since the park went on-hold, city staff has received many inquiries as to when the disc course would be installed and even had the (non-existent) course featured in a disc golf magazine. Finally, the city was contacted by Justin Wolf who has assisted in the design of multiple disc golf courses, and offered to assist in developing a course design and layout.

City staff relayed the concerns regarding intrusion into neighboring properties and potentially into environmentally sensitive areas to Mr. Wolf. Over the course of about 4 months, Mr. Wolf in cooperation with City staff developed a course layout that would mitigate the concerns levied by neighbors and the potential of impacting environmentally friendly areas.

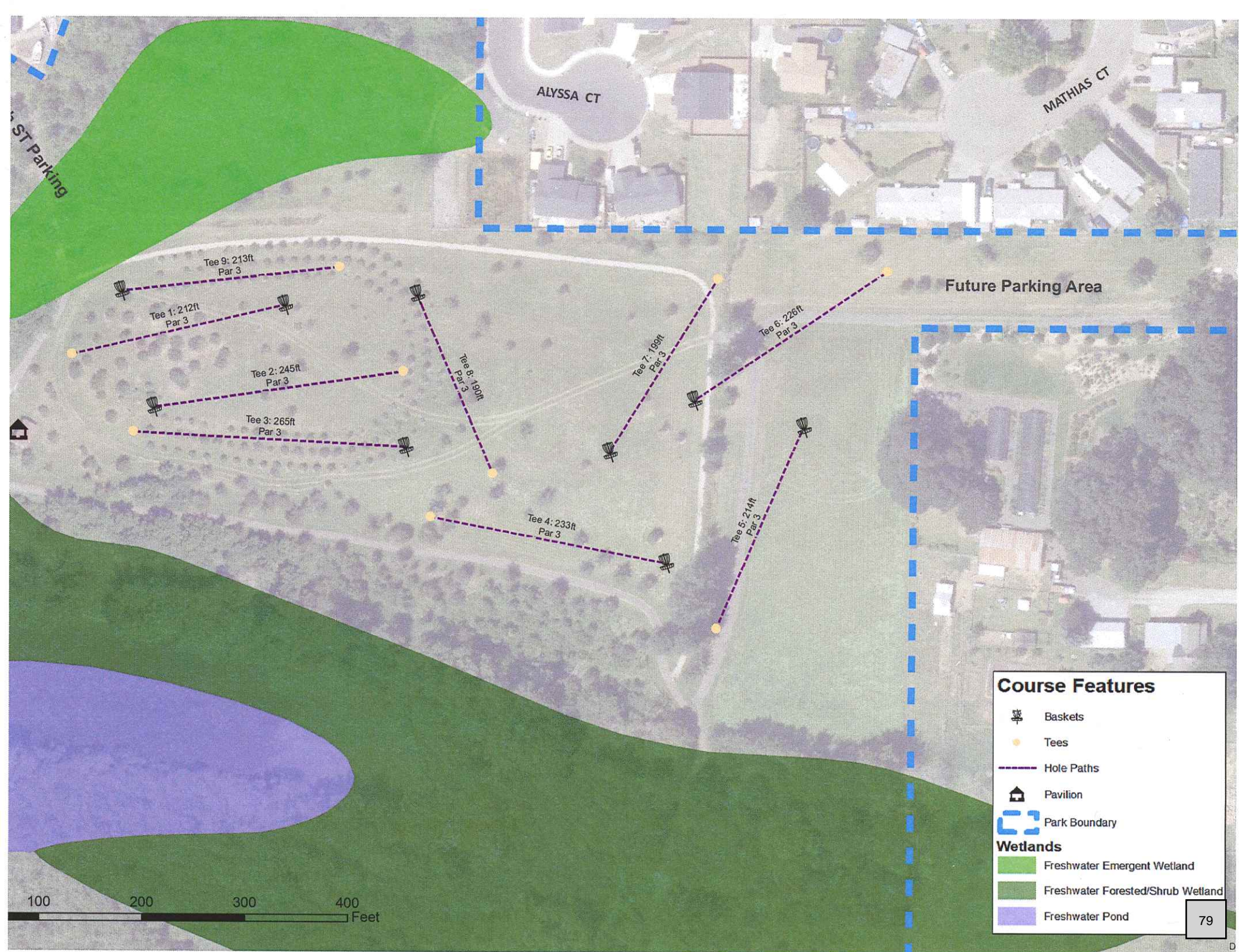
In early February 2023, the proposed course layout was provided to the Parks CPC for review and comment. The CPC did not have any concerns with the proposal.

At this time, staff is requesting the Council's consensus on the course layout. Once the consensus is reached, Public Works maintenance crews will install the course with an expected completion date of no later than June 15, 2023 – in time for disc golf weather.

**Attachments:**

1. Course Layout Map
2. Letter of Appreciation – Justin Wolf









**Mac Corthell – Community Development Director**  
315 Kennel Ave, PO Box 248, Molalla, Oregon 97038  
Phone: (503) 829-7711 Email: mcorthell@cityofmolalla.com

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**To:** Justin Wolf via Honorable Mayor and City Council of Molalla

**From:** Community Development Director, Mac Corthell

**Date:** February 22, 2023

**Re:** Letter of Appreciation

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Dear Mr. Wolf,

On behalf of the City of Molalla and Disc Golfers everywhere I would like to extend my sincerest gratitude and appreciation for your work on the City of Molalla's forthcoming Disc Golf Course. Your expertise in disc golf and disc golf course layouts was instrumental in developing a design that would be reasonably challenging for players of all skill levels.

Additionally, your attention to detail and responsiveness to community concerns in developing the course layout is beneficial to neighbors of the course, environmentally sensitive areas, and course users alike.

Finally, it is important to note that you reached out to the City and volunteered your time and knowledge to help improve the Molalla Community through your work on this project – free of charge and without expectation of remuneration. It is people like you, volunteers, who make the Molalla Community such a great place to live, work, and play.

Thank you from the community of Real Adventure, Real People, and Real Fun!

Sincerely,

*/s/ Mac Corthell*

Mac Corthell, JD  
Community Development Director