


Planning & Community Dev.

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AGENDA

Molalla Planning Commission

6:30 PM, October 2, 2019

Meeting Location:

Molalla Adult Center

315 Kennel Avenue.

Molalla, OR 97038

The Planning Commission Meeting will begin at 6:30pm. The Planning Commission has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned in prior to the start of the Commission meeting. The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

I. CALL TO ORDER
II. FLAG SALUTE AND ROLL CALL
III. PUBLIC COMMENT – Limited to 3 minutes per person

IV. MINUTES:

- Minutes from the August 7, 2019 meeting

V. PUBLIC HEARINGS:

- Consideration of an amendment to Molalla Municipal Development Code Section 17-4.3.030.A to change the procedure for processing partition applications from a Type III Public Hearing procedure a public hearing procedure to a Type II Administrative Decision Procedure, appealable to Planning Commission. File #: DCA01-2019

VI. DISCUSSION ITEM:

- Update on Food Truck/Food Public Outreach
- Potential Development Code Updates

VII. REPORTS AND ANNOUNCEMENTS

- None

VIII. ADJOURNMENT



**Minutes of the Molalla Planning Commission
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
August 7, 2019**

The August 7, 2019 meeting of the Molalla Planning Commission was called to order by Chair Rae Lynn Botsford at 6:31pm. This was followed by the flag salute and roll call.

COMMISSIONER ATTENDANCE:

Chair Rae Lynn Botsford – Present
Commissioner Steve Deller – Absent
Commissioner Doug Eaglebear – Present
Commissioner Debbie Lumb – Present
Commissioner Jennifer Satter – Present
Commissioner Jacob Giberson – Present
Commissioner Connie Farrens - Present

STAFF IN ATTENDANCE:

Alice Cannon, Planning Director - Present
Dan Zinder, Associate Planner – Present
Gerald Fisher, Public Works Director – Present
Darlene Bishop, Planning Assistant – Present

PUBLIC COMMENT ON MATTERS NOT ON THE MEETING AGENDA:

No one offered public comment.

MINUTES:

Chair Botsford confirmed with PC that they have received and reviewed the minutes for December 12, 2018 and January 16, 2019. Chair Botsford calls for a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Eaglebear, a second was received by Commissioner Giberson. Motion passes 6-0.

PUBLIC HEARING:

- Dollar General (File No. DRW03-2019) – Site Design Review and Subdivision

Chair Botsford called the public hearing to order.

CITY STAFF REPORT:

Planning Director Cannon gave the staff report which can be found in the meeting packet. The staff report includes attachments showing the conditions of approval. Requirements include a concrete block base on the east elevation be installed to match other elevations; more pedestrian amenities in the area, such as landscaping in tree wells, bicycle parking, and other features; a west to east pedestrian walkway being installed; adding a parking lot landscaping island; and installation of a concrete bus stop pad for a transit shelter that will be constructed at a future time by South Clackamas Transportation District.

Planning Director Cannon stated the City is encouraging the PC to approve the application based on findings, with conditions outlined in the staff report.

PUBLIC COMMENT: No public comment received.

QUESTIONS FROM PLANNING COMMISSION:

Commissioner Giberson asked about the reasoning for the west to east sidewalk requirement on the south side of the property. He asked if there were plans for future development in the adjacent property.

Public Works Director Fisher stated the reason for the sidewalk extension is to allow pedestrians easy access to various stores without having to go through parking spots or landscaped areas. If there is future development to the South, those developers will be required to continue the pedestrian walkway.

Commissioner Satter asked if there was a requirement for ODOT to do another traffic impact analysis for The Dollar General to be built.

Public Works Director Fisher answered that the traffic impact analysis was done in conjunction with Cascade Center, so another study is not necessary.

CONSULTANT'S PRESENTATION:

Project Engineer Alex Palm with ie Engineering, PO Box 1271, Roseburg, OR 97470. He presented facts regarding Dollar General. They are not a typical "dollar store." The Dollar General store sells the top 10,000 items sold by Walmart. These stores are typically built in rural areas to cut down on residents having to drive distances to get these desired items. They are open seven days a week, excluding holidays, 8:00 am – 10:00 pm. Each store employs 10-12 people. When construction begins, local contractors will be used as much as possible. Applicant stated they agree with all conditions.

QUESTIONS FROM PLANNING COMMISSIONERS:

Chair Botsford asked if it will really take several months for ODOT to deliberate the traffic analysis to decide if a pedestrian safety signal should be installed at the intersection of OR-211/Leroy.

Public Works Director Fisher stated that it will indeed take 2-3 months to get an answer.

Chair Botsford asked if clothing was included in the household items?

Project Engineer Palm answered yes, clothing is sold at Dollar General.

Chair Botsford closed the hearing. The applicant was informed of the allowed seven days to submit written arguments. The applicant waived the seven-day period.

PUBLIC COMMENT: No one offered public comment.

Motion was made by Commissioner Giberson to approve the Site Design for Cascade Center (File No. DRW03-2019) with conditions. Second by commissioner Farrens. Motion passes 6-0.

DISCUSSION ITEMS:

Letter to ODOT:

Planning Director Cannon stated that she has written a letter on behalf of the Planning Commission regarding the proposed traffic signal at the intersection of Hwy 211/Leroy St.

Chair Botsford explained that since the last Planning Commission meeting, she had appeared at the City Council meeting requesting the Council members to support the traffic signal. She has created Facebook posts about the subject and information was distributed at Coffee with the Mayor on Tuesday as well as at National Night Out.

Commissioner Satter stated that it makes sense to do this traffic light at this time. The developer is willing to make this improvement. Having this work done at this time instead of later would be better. ODOT needs to be proactive instead of reactive. Pedestrian safety should be the primary concern.

Commissioner Giberson asked if these efforts could be looked at as an adversarial position with ODOT.

Public Works Director Fisher stated that he does not have any reason to think that would result in that feeling. ODOT has criteria they look at regarding these types of projects. They are also affected by DOJ rules as well.

Commissioner Farrens feels the letter is too long. She stated the main concern should be safety of kids, seniors and disabled residents having to cross the road to get to the center. Discussion ensued regarding the wording in the letter. **Planning Director Cannon** will amend the letter, have **Chair Botsford** sign it and mail it to ODOT by the end of the week.

Urban Reserves Project:

Planning Director Cannon stated that the project is on hold for now. Progress needs to be made on the WWTP before staff can forward with the Urban Reserves Project.

Public Works Director Fisher informed the commission that Plan C was approved by DEQ. Since that has been in effect, there have been no violations.

He stated that he has communicated with the Native Fish Society regarding the different measurements for applying effluent to land vs. river. Land is rated A-D. A being the strictest and D being the most lenient. The cattle ranch is rated for D, but the cemetery is rated for C. That is the reason that all has been rated C. River effluent is based on temperature, BOD, which means the available sugars in the water along with the inert Total Suspended Solids (TSS). The river discharge is currently rated for 10/10.

When the new plant is finished, the requirements will be in line with the basin standards, which are 30/30.

Currently waiting for approval from DEQ. **Director Fisher** is hoping to start the design phase within six months.

Economic Development Plan:

Planning Director Cannon stated that staff will soon be applying for a grant from the Ford Family Foundation for this project. Hoping to receive that by the end of the month. A task force will be established to help with this project.

Food Cart Ordinance:

Planning Director Cannon informed the Commission that the information for this will be presented during the work session at the August 28th Council meeting. She presented different maps showing the possible areas to locate food carts within the City. Information was presented from neighboring jurisdictions that currently have food carts.

Planning Director Cannon asked the commission 4 questions:

#1 Should food carts be allowed in Molalla?

The Commission had general consensus with developing more food cart regulations.

#2 Where should they be allowed?

The majority suggested both general and central commercial districts. It was suggested that possibly allow one food cart in industrial areas for short periods of time.

#3 How many food carts should be allowed on one property?

Depends on where they will be placed, but six was a number that was discussed.

#4 What types of design standards should apply?

The group seemed to like the graduated requirements similar to those for Happy Valley and Estacada.

Planning Director Cannon suggested that a requirement will be that they are hooked up to City services.

REPORTS AND ANNOUNCEMENTS:

There were no report or announcements.

ADJOURNMENT:

Motion was made by Commissioner Giberson to adjourn the meeting, 2nd received from Commissioner Eaglebear. Meeting was adjourned at 7:55.

Chair, Rae Lynn Botsford

Date

ATTEST: _____
Alice Cannon, Planning Director

City of Molalla

Planning Commission Meeting



Staff Report

Subject:	Consideration of an amendment to Molalla Municipal Development Code Section 17-4.3.030.A
Staff Recommendation:	Staff recommends that Planning Commission recommend approval of the proposed code amendment to City Council
Date of Meeting to be Presented:	October 2, 2019
Fiscal Impact:	The proposed amendment will save staff time when processing land partition requests.
Submitted By:	Alice Cannon, Planning Director
Approved By:	Dan Huff, City Manager

Background:

Consideration of an amendment to Molalla Municipal Development Code Section 17-4.3.030.A to change the procedure for processing partition applications from a Type III Public Hearing procedure to a Type II Administrative Decision Procedure, appealable to Planning Commission. The proposed amendment is being processed as a Type IV Legislative procedure in accordance with Molalla Municipal Code. The amendment was posted for public comment on the City's website on August 29, 2019. It is before the Planning Commission on October 2, 2019, whereby the Commission will offer a recommendation to City Council at a hearing on October 30, 2019 (See background and findings in attachment).

Development Code Amendment Proposal

Processing Partitions as Type II Decisions

File No.:	DCA01-2019
Proposal:	Amend Molalla Municipal Development Code to change the procedure for processing partition applications from a Type III Procedure to a Type II Procedure.
Procedure:	The proposed amendment will be processed as a Type III procedure in accordance with Molalla Municipal Code. The amendment will be posted for public comment on the City's website on August 29, 2019. It will be brought before the Planning Commission on October 2, 2019 and City Council on October 30, 2019. If City Council approves this amendment, the decision becomes final November 29, 2019.

SUMMARY OF PROPOSED CHANGES:

1. Chapter 17-4.3.030 (A)

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

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

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

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

2. Table 17-4.1.010

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

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

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

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

[Inapplicable table rows not shown]

RATIONALE FOR PROPOSED CHANGES:

City Staff recommends that partition applications be processed at the staff level, excepting situations where a staff decision is appealed during the public noticing process. Processing partition applications would allow for expediency of administration on smaller land divisions of three or less lots that, in and of themselves, have a reduced impact on land use and are limited in scope. Development from these partitions would still be required to adhere to the same development standards as larger subdivisions. The only difference is that decisions for partitions would reside with staff, subject to appeal to Planning Commission.

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

CRITERIA FOR REVIEW:

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

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

Staff Analysis:

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

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

Staff Analysis:

Comprehensive Plan Goal Analysis:

Goal 1: Citizen Involvement

The applicable Comprehensive Plan Citizen Involvement goal is:

5. *The City shall provide for a wide range of public involvement in City planning programs and processes. The City should:*
 - 5.1. *Provide user-friendly information to assist the public in participating in City planning programs and processes, including available sources of media ranging from television (when available and free), radio (when available and free), Internet, newspapers, mailings, and meetings to provide for the highest involvement from citizens.*
 - 5.2. *Provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions are made.*
 - 5.3. *Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes.*
 - 5.4. *Provide data to interested citizens in non-technical and understandable terms.*
 - 5.5. *Adopt procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.*
 - 5.6. *Provide data in a manner that is simple enough to give the public an opportunity to understand the issues. This includes technical data submitted by other parties.*

Staff Analysis:

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

Goal 2: Land Use Planning –

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

Staff Analysis:

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

Goal 14: Urbanization –

To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Staff Analysis:

Using a Type II procedure for more minor land division requests allows more for efficient development within the existing city limits. Through efficient administration of partitions, the City enhances the goal of encouraging development in areas already served by major public facilities.

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

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

Staff Analysis:

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

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

Staff Analysis:

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