



**Planning & Community Dev.**

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**AGENDA**  
**Molalla Planning Commission**  
**6:30 PM, November 4, 2020**

**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.

- **CALL TO ORDER**
- **FLAG SALUTE AND ROLL CALL**
- **PUBLIC COMMENT** – Limited to 3 minutes per person
- **MINUTES:**
  - Minutes from the September 2, 2020 Planning Commission Meeting
- **PUBLIC HEARINGS:**
  - DCA02-2020: Amend Table 12-2.2.030 Uses Allowed by Zoning District to change “self-service storage, commercial” from a permitted use to a conditional use in the C-2 General Commercial Zone.
  - DCA04-2020: Amend Table 17-2.2.030 Uses Allowed by Zoning District to add “mobile food units”. Temporary Mobile Food Units permitted as a special use in the C-2 General Commercial, M-1 Light Industrial and M-2 Heavy Industrial zones. Permanent Mobile Food Units permitted as a special use in the C-1 Central Commercial, C-2 General Commercial Zones.
- **DISCUSSION ITEMS:**
  - MCC 17-4.7(B)(2) – Adjustments
  - Ex-Parte Communication

*City of Molalla ■ Community Planning & Development ■ 117 N. Molalla Avenue, Molalla, OR 97038 ■ (503) 759-0219*

Chairman Rae Lynn Botsford | Commissioner Jennifer Satter | Commissioner Doug Eaglebear |  
Commissioner Steve Deller | Commissioner Jacob Giberson | Commissioner Connie Ferrens

**VII. REPORTS AND ANNOUNCEMENTS**

**VIII. ADJOURNMENT**



**Molalla Planning Commission  
MINUTES Molalla Adult  
Center  
315 Kennel Ave., Molalla, OR  
97038  
September 2, 2020**

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**The September 2, 2020 meeting of the Molalla Planning Commission was called to order by Chair Rae Lynn Botsford at 6:32pm. This was followed by the flag salute and roll call.**

**COMMISSIONER ATTENDANCE:**

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

**STAFF IN ATTENDANCE:**

Mac Corthell, Planning Director - Present  
Gerald Fischer, Public Works Director - Present  
Dan Zinder, Associate Planner - Present  
Julie Larson, Planning Specialist - Present

**Chair Botsford** opened the meeting by introducing Mac Corthell, the new planning director for the city. Planning Director Corthell made a brief statement in regard to his philosophies, work and life experiences.

**PUBLIC COMMENT:**

**Chair Botsford** opened the meeting for public comment. No Public Comment was made.

**MINUTES:**

**Chair Botsford** confirmed with the Planning Commissioners that they have received and reviewed the minutes for August 5, 2020. Chair Botsford called for a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Deller, a second was received by Commissioner Eaglebear. Motion passes 6-0.

**PUBLIC HEARING:**

No Public Hearing

**DISCUSSION ITEMS:**

**Associate Planner Zinder** introduced the life cycle of a Site Design Review. The purpose of this was to give the Planning Commission better insight into what staff procedure is during the process and how decisions are determined in regard to development decisions.

**Planning Specialist Larson** brought forth a visionary discussion regarding mobile food units. The DLCDC notice has been submitted so staff is ready to draft language for a permanent ordinance. Staff was looking to the Planning Commission for their input as to locations and how they envisioned permanent food truck spaces. Staff will bring back code language for Planning Commission review at the next meeting.

**Associate Planner Zinder** discussed the compatibility issue that has been of concern for the Planning Commission between some commercial and industrial zones where multi-family is allowed. The Planning Commission agreed that amending the ordinance so that a Conditional Use permit is required for residential uses in commercial zones would be the best way to protect multi-family dwellings from loud industrial noise. Staff will bring back code language for Planning Commission review at the next meeting.

**Associate Planner Zinder** addressed the noise complaints staff has received from some of the industrial areas in the city. Although the Planning Commission empathizes with the citizens in regard to the industrial noise, they agree that sound carries differently in Molalla and that our industrial area should not be harmed by an amended noise ordinance.

**Public Works Director Fischer** gave an update on a few public works projects.

**ADJOURNMENT:**

Motion was made by Commissioner Eaglebear to adjourn the meeting, 2<sup>nd</sup> received from Commissioner Farrens. Meeting was adjourned at 8:49pm.

\_\_\_\_\_  
Chair, Rae Lynn Botsford

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Dan Huff, City Manager

# Staff Report – DCA02-2020

## Planning Commission Public Hearing

**Subject:** Consideration of an amendment to Molalla Municipal Code (MMC) Table 17-2.2.030 "Uses Allowed by Zoning District" to change "self-service storage, commercial" from a permitted use in the C- 2 (General Commercial) zone to a conditional use.

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

**Date of Meeting to Be Presented:** Wednesday, November 4<sup>th</sup> 2020

**Fiscal Impact:** No direct impact

### **Background:**

Staff is requesting Planning Commission consider an amendment to MMC Table 17-2.2.030 "Uses Allowed by Zoning District" to change "self-service storage, commercial" from a permitted use in the C- 2 (General Commercial) to a conditional use. This use would still be permitted in the Light Industrial zone and is a conditional use in the Heavy Industrial zone. The intent behind this amendment is to preserve scarce commercially zoned lands for uses that broaden access to a variety of commercial goods and services for Molalla residents.

The proposal will be reviewed based on criteria set forth by the MMC section 17-4.6.030:

- A. *If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;*
- B. *The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);*
- C. *The City Council must find the proposal to be in the public interest concerning community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and*
- D. *The amendment must conform to Section 17-4.6.050 Transportation Planning Rule.*

## Exhibits:

### Exhibit A: Findings of Fact

#### **SUMMARY OF PROPOSED CHANGES:**

1. The proposed change would modify **Table 12-2.2.030 Uses Allowed by Zoning District** as follows:

**Key:**

- P = Permitted Use
- S = Permitted with Special Use Standards
- CU = Conditional Use Permit Required
- N = Not Allowed

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	R-1	R-2	R-3	R-5	C-1	C-2	M-1	M-2		
<b>Self-Service Storage, Commercial</b>	N	N	N	N	N	<b>P</b> <b>CU</b>	P	CU	N	

#### **RATIONALE FOR PROPOSED CHANGES:**

City Staff recommends change “self-service storage, commercial” from a permitted use to a conditional use in the C-2 General Commercial Zone on the grounds of providing City Staff and the Planning Commission more discretion for reserving scarce commercially zoned lands for uses that broaden access to a variety of commercial goods and services for Molalla residents. The Molalla Municipal Code describes the intent behind commercial zones:

*Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses....Two commercial zoning districts, one for the central commercial/traditional downtown area (C-1, Central Commercial) and one for the general commercial (C-2, General Commercial) area, provide for the full range of commercial land uses within the City. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing;*

*and to ensure efficient use of land and public facilities (MMC Section 17-2.1.020.B)*

General commercial uses in Molalla should match the goals of the zone. They should promote access by all modes of travel, decrease strict reliance on the automobile, and seek to reduce trips outside the city for goods and services unavailable in Molalla. Self-storage sites are typically land-intensive, auto-oriented uses, with fewer employees. Self-storage uses also offer less synergy with other commercial uses. For instance, a resident shopping at the grocery store may walk to an adjacent coffee shop or restaurant. That same resident is less likely to combine a shopping trip to the grocery store with a visit to a mini-storage use.

Changing self-storage from an allowed use to a conditional use allows Planning Commission, Staff, and the public increased ability to shape uses in the C-2 zone towards the intended goals of the zone while encouraging self-storage development to develop in the more appropriate industrial zones. Additionally, conditional use approval standards allow Staff and the Planning Commission to impose conditions that ensure those self-storage facilities that meet approval criteria are compatible with adjacent uses. With more available industrial land within the City limits and Urban Growth Boundary, Staff advises that the Planning Commission require a conditional use permit approval for self-service storage facilities in the C-2 zone.

#### **CRITERIA FOR REVIEW:**

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

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

#### **Staff Analysis:**

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

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

#### **Staff Analysis:**

Applicable provisions from the Comprehensive Plan include:

#### ***2014 Comprehensive Plan Economic Development Policies:***

- 1. Encourage the siting and growth of employers which pay family wages as identified in Molalla Economic Opportunities Analysis (EOA).*
- 4. Ensure Molalla's planning area contains adequate amounts of industrial and commercial lands for projected growth.*

9. *Protect large redevelopment sites for their intended uses as identified in the EOA.*
11. *The City of Molalla shall encourage commercial and industrial development. More jobs can be created causing less reliance on the automobile for travel away from the City.*
12. *The City shall strive to reduce the home to work distance by encouraging industrial and commercial development thus reducing the dependency on the auto and saving energy.*
21. *The City shall provide a safe convenient and attractive place to live to draw small business to the community.*

**Staff Analysis:**

The 2014 Comprehensive Plan identifies a greater need for commercial land in the 2014-2034 horizon than for industrial land. Staff finds that given this greater need, uses that are heavily land intensive and offer low employment opportunities should be discouraged from commercial zones in order to attract uses with more synergy with adjacent commercial uses.

Self-service storage uses typically employ fewer people than other commercial uses; do not facilitate local shopping opportunities; and often do not contribute to a lively commercial environment.

Molalla's Comprehensive Plan also prioritizes the development of commercial uses that are less auto centric and provide means for residents to access the commercial districts using a variety of travel modes, such as walking and using the local bus system. Suitable industrially zoned land is available for self-storage facilities and at this time they should be restricted to those zones.

***2014 Comprehensive Plan Commercial Development Policies:***

1. *The Molalla planning area shall contain adequate suitable sites for commercial use. Sufficient vacant commercial lands with a diversity of sizes, types, and service levels for future commercial uses shall be designated on the comprehensive plan/zoning map.*
6. *The City shall assure efficient development of land consistent and compatible with the community's needs and resources.*
18. *Shopping centers shall be attractive and pedestrian oriented.*
19. *A sufficient number of locations should be made available for shopping centers and other commercial activities as the urban area population increases.*



**Staff Analysis:**

These policies support the already addressed community need to retain commercial land for more actively frequented, shopping and business-oriented purposes. Additionally, these policies address a community need for facilities accessible by transportation modes other than automobiles. Self-storage facilities, by their nature of storing bulkier items, do not facilitate non-automobile trips and they utilize land that could be developed as multi-modal shopping centers, offering a greater variety of goods and services.

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

**Staff Analysis:**

The proposed amendment is a response to community needs to:

- Preserve commercial land for uses such as retail and business development
- Provide business and work opportunities within the local community
- Reduce reliance on the automobile
- Reduce automobile trips outside of the community
- Create aesthetically pleasing commercial development

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

**Staff Analysis:**

The proposed amendment will have no impact on Molalla's statewide transportation facilities. Therefore, this criterion is not applicable.

# Staff Report – DCA04-2020

## Planning Commission Public Hearing

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

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

**Date of Meeting to Be Presented:** Planning Commission - November 4, 2020, City Council – November 18, 2020

**Fiscal Impact:** No direct impact.

**Background:** Staff is requesting the Planning Commission consider 3 amendments in order to provide comprehensive regulation on Mobile Food Unit operations and sites within the City of Molalla.

1. Amend MMC 17-5.1.020 to add 3 new definitions for “Mobile Food Unit,” “Temporary Mobile Food Unit,” and “Permanent Mobile Food Unit.”
2. Amend MMC 17-2.2.030 to allow Temporary Mobile Food Units to operate in the C2, M1, and M2 zones subject to special use standards, and to allow for Permanent Mobile Food Units to operate in the C1 and C2 zones subject to special use standards.
3. Amend MMC 17-2.3.220 to repeal the existing temporary ordinance and add a fully developed set of standards for all Mobile Food Unit operations and associated sites within the City of Molalla.

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

- A. *If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with statewide planning goals and relevant administrative rules.*
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and
- D. D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

## Exhibit A Ordinance 2020-10

### MCC 17-5.1.020 Definitions

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

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

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

### MCC Table 17-2.2.030 Uses Allowed by Zoning District

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

### MCC 17-2.3.220 Mobile Food Units

#### A. Applicability.

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

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

#### B. Public Infrastructure and Self-Containment.

1. Notwithstanding MCC 17-3.6.040, all temporary mobile food units, and all permanent mobile food units operating on a site approved for three (3) or less permanent mobile food units, shall be totally self-contained and:
  - a. Connect to individual wastewater and potable water tanks at all times.

2. Mobile food units operating on a site approved for four (4) or more permanent mobile food units may choose between self-containment or connecting to city wastewater and/or water services subject to MCC 17-3.6.040.
  - a. All mobile food units on a given site shall be uniform in regard to self-containment or connection to one or more city services.
3. All mobile food units are subject to inspection by City of Molalla Code Enforcement, and Police Department, at all times.

### **C. Mobile Food Units Generally.**

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

1. Nature of Operations. Mobile food units shall primarily sell food items.
2. Mobility. Mobile food units must be equipped with wheels and the wheels may not be removed.
3. Waste in General. Except as permitted by the City of Molalla, a mobile food unit owner and the property owner of the site where the mobile food unit is operating are expressly prohibited from allowing any type of discharge, drainage, leakage, solid waste, or liquid waste associated with a mobile food unit to:
  - a. enter the stormwater or wastewater systems; or
  - b. be dumped or otherwise spilled on the ground, streets, or sidewalks.
4. Liquid Waste. All liquid wastes associated with the mobile food unit, including but not limited to water from cleaning the mobile food unit or its contents, and waste tank contents, must be captured and disposed of by septic service, or some other lawful means.
5. Solid Waste. All solid wastes associated with the mobile food unit, or its patronage, must be kept at all times fully enclosed in a trash bin or recycling receptacle, as applicable.
  - a. Solid wastes must be disposed of on a schedule at least as often as that offered by the City's solid waste franchise. Disposal must be by lawful means.
6. Utility Lines and Tanks.
  - a. All utility lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent unsafe conditions.
  - b. Power may not be connected by overhead wires to the individual mobile food units.
7. Public Right of Way. No portion of the mobile food unit, equipment, customer service areas, or any other associated object may be located within the public right of way.
8. Condition of Unit and Site.
  - a. The mobile food unit must be kept in a state of good repair, including but not limited to, an exterior that is clean and free from rust, peeling paint, visibly worn or broken exterior equipment, and any other defect that reasonably detracts from the public's aesthetic appreciation of the unit.
  - b. The site area adjacent to the unit must be kept in a state of good repair, including but not limited to, free from trash, waste, broken or visibly worn equipment and furnishings, and any other defect that reasonably detracts from the public's aesthetic appreciation of the site.
9. Separation and Setbacks. All mobile food units on a site shall be located a minimum of:

- i. Five (5) feet from any structure or mobile food unit;
  - ii. Ten (10) feet from any front or street-side lot line;
  - iii. Five (5) feet from any side or rear lot line;
  - iv. Twenty (20) feet from any lot line abutting a residential zone.
10. Cannabis Prohibited. Mobile food units may not sell, offer, provide or in any way transfer cannabis in any form.
11. Licensing.
  - a. All mobile food units must possess and display a valid Clackamas County Food Service License.
  - b. All temporary mobile food units must possess and display a valid City of Molalla temporary mobile food unit license.
  - c. All permanent mobile food units must possess and display a valid City of Molalla business license.
12. Compliance with Laws. Mobile food units and the property upon which they operate must maintain continuous compliance with all applicable laws and rules of the federal, state, county, and city, governments.

#### **D. Temporary Mobile Food Units.**

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

1. Zoning. Temporary mobile food units may only operate in the following zones:
  - a. General Commercial (C-2), Light Industrial (M-1), and Heavy Industrial (M-2) zones.
  - b. Temporary mobile food units may not operate on a permanent mobile food unit site unless they obtain a City of Molalla business license approving that location.
2. Placement.
  - a. Temporary mobile food units may only operate on an existing, paved parking area.
  - b. No more than three (3) temporary mobile food units may be present on one property at any time, unless it is for the sole purpose of storing the unit(s). Temporary mobile food units may not be stored upon any property upon which they operate.
  - c. Temporary mobile food units may not be placed in any location that hinders access for emergency vehicles or impacts the traffic pattern on any public roadway.
  - d. Temporary mobile food units must not be placed in a way that results in a violation of federal, state, county, or city laws, or any condition of a land use or permitting action.
3. Accessory Items and Structures.
  - a. Development and improvements related to temporary mobile food unit operations are strictly prohibited.
  - b. Temporary tables, chairs, lighting, and shelter may be provided during temporary mobile food unit operations but must be removed upon cessation of operations at the site each day.

- c. Trash receptacles for customer use must be provided and maintained within ten (10) feet of the temporary mobile food unit and must be removed upon cessation of operations each day.
4. Operating Hours.
- a. Temporary mobile food units may only operate for 14 or less hours per calendar day, and only between the hours of 6:00am and 10:00pm.
  - b. Temporary mobile food units must vacate all properties upon which they operate immediately upon cessation of operations.

#### **E. Permanent Mobile Food Units.**

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

1. Zoning. Permanent mobile food unit sites may only be approved in the following zones:
  - a. Central Commercial (C-1) and General Commercial (C-2).
  - b. Licensed permanent mobile food units may operate as a temporary mobile food unit but must first submit and gain approval of a list of addresses upon which they intend to operate as a temporary mobile food unit.
    - i. Licensed permanent mobile food units operating outside the permanent mobile food unit site for which they are licensed must comply with all of the provisions of paragraphs D and F of this section, except that they need not obtain a temporary mobile food unit license.
2. Development Code.
  - a. Except as specifically delineated in this ordinance, all permanent mobile food unit sites must comply with the applicable provisions of MCC Title 17 in general and specifically for commercial activities classified as Retail Sales and Commercial Service.
3. Fencing.
  - a. Permanent mobile food unit sites with approval for more than one permanent mobile food unit shall be fully enclosed by a fence, wall, exterior building wall, or combination thereof that complies with MCC 17-3.4.
4. Surfacing.
  - a. Permanent mobile food units may only operate on a site with a hard surface sufficient in size to minimize dust and facilitate all mobile food unit operations, and related customer activities such as eating, ingress, and egress.
    - i. Gravel and soil surfaces are prohibited.
5. Sanitation Facilities.
  - a. A permanent mobile food unit site authorized for no more than one (1) mobile food unit:
    - i. Shall have at least one toilet and one hand washing facility available to employees and the public at all times of operation.
    - ii. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
  - b. A permanent mobile food unit site authorized for two (2) or three (3) mobile food units:

- i. Shall have at least one toilet and one hand washing facilities available to employees and the public at all times of operation.
- ii. The toilet and hand washing facilities shall be part of an existing building on-site or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
- c. A permanent mobile food unit site, authorized for four (4) or more mobile food units:
  - i. Shall have at least two (2) toilets and two (2) hand washing facilities available to employees and the public at all times of operation.
  - ii. The toilet and hand washing facilities shall be part of an existing building on-site or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code

**F. Process.**

1. Temporary Mobile Food Units. Prior to operation, a Temporary Mobile Food Unit owner must submit to city hall a temporary mobile food unit license application including a list of addresses upon which they intend to operate, and the appropriate fee. These licenses expire on December 31<sup>st</sup> of each year and must be renewed.
  - a. Temporary mobile food units may only operate on premises approved on their application, and only with property owner consent.
  - b. Additional addresses may be added by filing an addendum at City Hall, subject to approval by city staff. Approved additional address addendums become part of the approved license and must be kept with the original license approval.
  - c. The temporary mobile food unit license fee will be set from time to time by resolution of the City Council.
  - d. Temporary mobile food unit licenses run with the owner and must be reapplied for upon a change of ownership.
2. Permanent Mobile Food Unit Site. Prior to beginning mobile food unit operations, a property owner must submit to city hall, and receive approval of, Site Design Review in accordance with MCC 17-4.2.
  - a. Application submission requirements for Site Design Review are contained in MCC 17-4.2.040 and include the application fee set by the City Council.
3. Permanent Mobile Food Units. Prior to operation, a Permanent Mobile Food Unit owner must submit to city hall, and receive approval of, a City of Molalla business license application and the application and fee in accordance with the provisions of MCC Title 5.

**G. Enforcement and Remedies.**

1. Violations of development related provisions of this ordinance shall be subject to the provisions of MCC Title 17.
2. Violations of the business licensing, and temporary mobile food unit licensing related provisions of this ordinance shall be subject to the enforcement, revocation, and remedies provisions of MCC Title 5.

3. All other violations of this ordinance shall be subject to the provisions of MCC Title 8 and MCC Title 9 as applicable.



## Exhibit B – Finding of Fact

### Summary of Proposed Changes

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

### Rationale for Proposed Changes

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

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

### TMFU's

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

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

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

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

### PMFU's

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

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

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

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

## **Criteria for Review**

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

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

Staff Analysis: There is no change to comprehensive plan.

Finding: This criteria is not applicable.

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

**Goal 1: Citizen Involvement Policies (as applicable):**

***5. The City shall provide for a wide range of public involvement in City planning programs and processes. The City should:***

***5.1. Provide user-friendly information to assist the public in participating in City planning programs and processes, including available sources of media ranging from television (when available and free), radio (when available and free), Internet, newspapers, mailings, and meetings to provide for the highest involvement from citizens.***

***5.2. Provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions are made. 2014 Molalla Comprehensive Plan***

***5.3. Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes.***

***5.4. Provide data to interested citizens in non-technical and understandable terms.***

***5.5. Adopt procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.***

***5.6. Provide data in a manner that is simple enough to give the public an opportunity to understand the issues. This includes technical data submitted by other parties.***

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. City staff met with multiple potential MFU developers, as well as some local businesses, and held multiple work sessions with the Planning Commission and City Council in public meetings. The proposed change was noticed to every address in the affected zones, advertised on the city’s website, and in the Molalla Pioneer. The ordinance itself, in draft

form, was made available at City Hall from the time of the notices on. There have been no public comments received to date with the exception of several citizens mentioning how excited they are for MFU's to come to Molalla.

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

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

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

## **Goal 5: Natural and Historic Resources**

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

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

## **Goal 6: Environmental Quality**

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

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

## **Goal 7: Natural Hazards**

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

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

### **Goal 9: Economic Development**

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

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

Finding: This criterion is met.

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

Staff Analysis: The proposed amendment is in the public interest and responds to changes in the community. This ordinance responds to the community's stated desire to have Mobile Food Units operational within the City of Molalla, as seen through substantial citizen and business engagement, as well as the City Council's adoption of a temporary ordinance providing standards for such operations. Allowing MFU's to operate in a temporary and permanent capacity provides for expanded use of existing property and potential development of sites that tend to draw diverse business interests as well as patronage both local and from out-of-town. MFU's have become part of the landscape of the Willamette Valley and provide great augmentation for existing businesses, as well as development of new.

Finding: This criterion is met.

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

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

Finding: This criterion is met.