Minutes of the Molalla Planning Commission

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

Wednesday June 4, 2014

**ATTENDANCE:** Jake Burroughs, Present; Jerome Beattie, Present; Mary Lynn Jacob, Present; Joseph Harrison, Present; Laura Ferris, Present; Penny Welty, Present; Patricia Torsen, Present; Grant Sharp, Present; Rhonda Ruppel, Absent.

**STAFF IN ATTENDANCE:**  City Manager Dan Huff, Present; Finance Director Heather Penni, Present; HR Coordinator Peggy Johnson, Present.

**COMMUNICATIONS AND PUBLIC COMMENT**:

Jake Burroughs explained that this meeting is to allow public testimony. He asked if any of the Planning Commissioners had a financial interest, do any commissioners stand to gain or lose any financial benefit as a result of the annexation. Commissioner Torsen stated that she has property that would be affected and will abstain. Mr. Burroughs asked if any of the commissioners have discussed actions with any property owners or other interested parties. He asked if any commissioners have met as a group to discuss these matters prior to the hearing. Do any members wish to disclose any facts that might create an appearance of a conflict. Commissioner Ferris stated that her husband is employed by one of the affected property owners and after consulting with the city attorney was told there would be no conflict of interest.

Jake Burroughs asked for all parties wishing to be recognized with party status to do so.

Party status was granted to the following property owners:

Pat Torsen

Carol Maloy

Attorney Jon Henricksen for Harry Russell

Curtis Cruikshank

Pam Fleskes

Randy Burley

Cedric Hansen

Dale Newcomb

John Hekala

Nancy Miller

CM Huff presented a staff report. He explained that the Planning Commissions role in an annexation process is to determine:

1. Does this proposal comply with the Statewide Planning Goals?

2. Can properties affected by this proposal be adequately served by urban services?

3. Does this proposal comply with the Comprehensive Plan?

4. Does this proposal comply with applicable Oregon Administrative Rules?

CM Huff stated that City Council will ultimately make the policy decision to annex these properties or not.

CM Huff stated that this proposed annexation complies with Statewide Planning Goals, properties can adequately be served by urban services, does comply with the Comprehensive Plan and does comply with Oregon Administrative Rules, and therefore, staff recommendation is that the Planning Commission provide a recommendation to City Council for further consideration.

Grant Sharp asked if the city had read the incorporation information from 1913 to see if any of these properties are grandfathered and exempted from this process. He was advised that the city did not.

First Speaker – Attorney Jon Henricksen, representing Harry Russell, 13053 S. Hwy 211. – Mr. Henricksen is objecting to Goal 11 and Mr. Russell’s land being included because of a hardship.

Second Speaker – Susan Hansen, 33381 S. Sawtell Rd, Read a letter that she recently had published in the Molalla Pioneer (See exhibit A)

Third Speaker – Dale Newcomb, 12843 S. Hwy 211 – Stated that he has not been notified of any annexation plans. He asked why the properties can’t be annexed when they are sold instead of right now.

Fourth Speaker – Cedric Hansen, 13325 S. Hwy 211 – Stated that it was noted that property values could be lowered. He was advised that the city is required by State law to note that in the public notice. He asked if he would be required to hook up to city services. He was advised that eventually that will be a requirement.

Fifth Speaker – Curtis Cruikshank, 13303 S. Hwy 211 – Stated that he has a septic and well. He stated that hooking up to water & sewer would cause a financial hardship on him.

Sixth Speaker – Carol Maloy, 14550 S. Claim Rd – Stated that she supports the city’s decision. She stated that the island properties are getting the city services and not paying the city taxes.

Seventh Speaker – Alan Deardorff, 12561 S. Hwy 211 – Stated that he thought he was already in the city. He asked if there was an alternative. He asked if the zoning would change and was advised that his zoning would not change.

Eighth Speaker – Gayla Hansen, 38973 S. Sawtell Rd. – Advised the Planning Commission that several property owners received a letter from the City a few years ago stating that they were going to be charged for services and improvements that were done at the Stone Place Apartment Complex.

Ninth Speaker – Randy Burley, 12751 S. Crompton Lane – Stated that he lives on a private drive that he built, his father owned the property before him. He stated that he has been dealing with this since 2004.

Tenth Speaker – John Hekala, 12754 S. Hwy 211 – Asked if there were plans on changing the zoning of his property. He was advised that his property will be zoned C-2. He asked if he would have to put in a sidewalk, he was advised that the sidewalk and frontage improvements would be the responsibility of the future developer.

Eleventh Speaker – Pam Fleskes, 725 W. Main St – Asked if the property across the street from her, where she keeps her horses, will have a grandfather clause to allow the horses to stay. She was advised that this would possibly be pre-existing, non-conforming which would allow her to keep her horses there.

Twelfth Speaker – Jim Taylor, 29480 S. Holt Rd – Asked if there was any consideration to the SDC fees for citizens that are required to hook-up to city services. He asked if the Planning Commission could send a recommendation to City Council advising them of the hardship this may cause on the people that currently have no services and would be required to pay for SDC fees and hook-up fees.

Thirteenth Speaker – Nancy Miller, 133 NW Trinity, Portland – Asked how to receive future notices. She was advised that since she asked for party status she would receive all future notices.

PUBLIC HEARING

 **A. P-6-14 Island Annexation and Zone Change.**

Commissioner Sharp asked when the annexation change would be in effect. He was advised that it would be August, possibly September. The property would not be on Molalla’s tax role until 2015.

Commissioner Harrison asked what happens when people cannot afford to hook-up to city services. He was advised that that would be a policy decision that City Council would have to make.

Commissioner Beatie stated that the information for the meeting has been on the website for anyone to read.

Commissioner Jacob asked if Molalla can currently enforce blighted property conditions on properties that are not in the city limits. She was advised that the enforcement is the responsibility of Clackamas County.

Commissioner Sharp made a motion to accept the annexation of properties as stated in the staff report but modify it to delay annexation for 3 calendar years from the time of acceptance for the residential properties that are occupied. There was no second.

Commissioner Harrison made a motion to table for future discussion. There was no second.

Commissioner Beatie made a motion to approve as presented by staff and suggest to City Council to extend service hook-up for 2 years. There was no second.

Commissioner Jacob made a motion to approve P-6-14 as presented but suggest to City Council to allow the 16 properties that do not have water or sewer be exempt from hook-up for 10 years and allow a 10 year ramp up for property taxes. Commissioner Ferris seconded. Motion carried (6-0) Commissioner Burroughs, Aye; Commissioner Beattie, Aye; Commissioner Jacob, Aye; Commissioner Harrison, Aye; Commissioner Ferris, Aye; Commissioner Welty, Aye.

Commissioner Harrison made a motion to amend the previous motion to suggest to City Council to allow properties that have partial services also be exempt from hook-up for 10 year. Commissioner Beatie seconded. Motion carried (6-0) Commissioner Burroughs, Aye; Commissioner Beattie, Aye; Commissioner Jacob, Aye; Commissioner Harrison, Aye; Commissioner Ferris, Aye; Commissioner Welty, Aye.

Commissioner Ferris made a motion to authorize Commissioner Burroughs to sign the findings, facts and decision document, with recommendations. Commissioner Harrison seconded. Motion carried (6-0) Commissioner Burroughs, Aye; Commissioner Beattie, Aye; Commissioner Jacob, Aye; Commissioner Harrison, Aye; Commissioner Ferris, Aye; Commissioner Welty, Aye.

CM Huff requested that the Planning Commission schedule a work study session to review the comp plan with Clackamas County Planner Martha Fritzie. Based on consensus the Planning Commission agreed to June 23rd.

**ADJOURNMENT**

Commissioner Harrison made a motion to adjourn. Commissioner Ferris seconded. Motion carried (6-0) Commissioner Burroughs, Aye; Commissioner Beattie, Aye; Commissioner Jacob, Aye; Commissioner Harrison, Aye; Commissioner Ferris, Aye; Commissioner Welty, Aye.