



Minutes of the Molalla City Council Meeting

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
February 22, 2023

CALL TO ORDER

The Molalla City Council Meeting of February 22, 2023 was called to order by Mayor Scott Keyser at 7:15pm.

COUNCIL ATTENDANCE

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

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director; Andy Peters, Public Works Division Manager, Dan Zinder, Senior Planner.

APPROVAL OF THE AGENDA

Approved as presented.

CONSENT AGENDA

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

A motion was made by Council President Newland to approve the Consent Agenda. Vote passed 7-0, with all Councilors voting Aye.

EXECUTIVE SESSION ANNOUNCEMENT

Mayor Keyser made the following announcement:

Previous to regular session, City Council held an Executive Session 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.

No decisions were made at this meeting.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

None.

PUBLIC COMMENT

Ron Higginbotham, Molalla resident, submitted public comment regarding a proposed Ordinance change regarding animals inside city limites.

Nick Jacoby, Molalla resident, submitted public comment opposing further construction of new apartments in Molalla.

Dirk Schlagenhauger, Oregon City resident, submitted public comment regarding Mobile Food Units.

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”

Senior Planner, Dan Zinder, presented the staff report for Code Interpretation of CINT01-2023.

Mayor Keyser opened the Public Hearing for Code Interpretation of CINT01-2023 at 7:23pm. He called for anyone in favor of approving the Code Interpretation.

Jonathan Sheekard, representing River City Environmental, stated that his company has had a good relationship with the City for several years. He feels that his company's service would be beneficial to the community of Molalla, as they take pride in providing good environmental service to the city.

Steve McInnis, representing River City Environmental, stated that his company has located a facility in Molalla that will make it easier to provide services. He understands that they City has a plan over the next three-five years to make updates to the Waste Water Treatment Plant, and his agency would like to be a part of that.

There were no audience members to speak in opposition.

There were no audience members to speak in a neutral position.

Mayor Keyser closed the Public Hearing for Coden Interpretation of CINT01-2023 at 7:26pm.

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)

Senior Planner, Dan Zinder, presented the staff report for the proposed Annexation of 14680 S. Feyrer Park Road. It is Tax Lot 52E16 00200; A 0.84 Acre Territory, and Assigning an R-2(Medium-Density Residential) City Zoning Designation to the Annexed Territory. The property is currently zone as Exclusive Farm Use (EFU). The proposed zoning of R2 is compliant with the City's Comprehensive Plan. The property currently has a single family home, however if annexed, can be developed into four-nine units. A small dedication to the City for Right-of-Way will need to be made, which will reduce the buildable part of the area.

Mr. Zinder explained that the territory to be annexed meets criteria in Oregon Revised Statute 222.127, which supersedes the City Charter for purposes of annexation. He shared that the petition was filed by the sole owner of land in the described territory, and is within the Urban Growth Boundary. Mr. Zinder also explained that the property had been pre-approved by the Department of Revenue, for annexing new territories.

Mayor Keyser opened the Public Hearing for the Annexation of the 0.84 Territory at 7:31pm. He called for anyone in favor of approving the annexation.

Torrence Leftridge, owner of property to be annexed, stated that he had met all criteria the City requires to become in compliance with the Comprehensive Plan. Mr. Leftridge also thanked City staff for their hard work with this project.

Tracy Brown, Land Use Planning Consultant for Mr. Leftridge, shared with Council that he assisted Mr. Leftridge in meeting compliance of the Comprehensive Plan, and looks forward to the property being annexed.

Mayor Keyser asked if there was anyone in opposition of the annexation.

Linda Countryman, Molalla resident, is concerned with the amount of apartments being built in the City. She doesn't understand why apartments would be built in the farm land. Ms. Countryman asked that Council consider folks that are not interested in further development before making a decision.

Caitlin Pottratz, Molalla resident, is opposed to more apartments being built in Molalla.

Mayor Keyser invited the next speaker that would be speaking neutral regarding the annexation.

Joe Herrera, Molalla business owner, is concerned that the City has too many R2 and R3 areas already zoned. He feels passionately about R1, single family homes He feels creating more commercial and industrial land will help bring jobs to Molalla and people will stay and put down roots.

Note: Mr. Corthell excused Mr. Zinder from the meeting at 7:42pm, due to inclement weather.

Mayor Keyser closed the Public Hearing at 7:43pm.

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**

Mayor Keyser introduced Ordinance No. 2023-01. He then asked Community Development Director Corthell if questions and concerns by the community would be answered during discussion time.

Mr. Corthell replied yes, and gave the staff report, restating information that Mr. Zinder previously provided to Council.

Mayor Keyser made an announcement to the audience that annexing property is one of the most difficult things that the City Council is forced to do. He explained that ORS 222.127 requires cities to annex properties if applicants have met all of the criteria. He also explained that if Council does not pass annexations, attorney fees will be involved. Mayor Keyser explained that the rules are set by the State of Oregon, and that City Council is required to follow them.

A motion was made by Council President Newland to hold the First Reading of 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, by title only. Councilor Childress seconded. Mayor Keyser asked if there was discussion by Council.

Council President Newland questioned whether the property should be zoned at R1 opposed to R2. Mr. Corthell shared that the history of the properties in that area. He explained that down-zoning in that area happened many years ago, with homeowners requesting that the area be zoned as R1. The owner of the .84 acre property did not request the down-zoning and remained at R2. It is not a conflict of uses that R1 and R2 zoning be in the same area. Mr. Corthell also reminded Council that this is a .84 acre property. This is a smaller property that will hold a maximum amount of eight units.

Mayor Keyser asked how many units can go on that property. Mr. Corthell replied a total of sixteen units. He explained that the State requires a city over 10,000 to allow duplexes on a R1, single residential zoned lot.

Mayor Keyser requested that the City Recorder call the vote.

Vote passed 7-0. Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

A motion was made by Councilor Childress, to hold the Second Reading of 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, by title only. Councilor Shankle seconded. Mayor Keyser asked if there was any discussion by Council, there was none.

Vote passed 7-0. Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

A motion was made by Councilor Childress, to adopt 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, by title only. Councilor Shankle seconded. Mayor Keyser asked if there was any discussion by Council, there was none.

Vote passed 7-0. Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

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

City Recorder Teets provided the staff report for Ordinance No. 2023-02. She explained to Council that the Molalla Municipal Code currently does not include language regarding Budget Committee. The City follows ORS 294.414 by the State and staff is requesting adoption.

During the motion being made, the audience was talking among themselves. Mayor Keyser gavelled the meeting to order, requesting that audience members go outside if they would like to talk. Audience members obliged.

A motion was made by Councilor Botsford to hold the First Reading of Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules, by title only. Councilor Shankle seconded. The vote passed 7-0, with the following Councilors

voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

A motion was made by Councilor Vermillion to hold the Second Reading of Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules, by title only. Councilor Childress seconded. The vote passed 7-0, with the following Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

A motion was made by Councilor Vermillion to adopt Ordinance No. 2023-02, Adopting ORS 294.414 Budget Committee Rules, by title only. Councilor Robles seconded. The vote passed 7-0, with the following Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, Councilor Botsford, and Mayor Keyser.

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

A motion was made by Councilor Robles to hold the First Reading of Ordinance No. 2023-03, Amending MMC, Chapter 2.06 Hearings Bodies and Their Duties, Article II. Planning Commission. Councilor Vermillion seconded. Mayor Keyser asked if there was any discussion.

Councilor Childress stated that she felt the language was ambiguous and should be more defined. Council held a brief discussion regarding the wording. City Recorder Teets pointed out the word “may” in the Ordinance, that provided each situation to be handled as needed. Mayor Keyser requested the roll be called.

Vote passed 6-1. Councilors voting Aye: Councilor Vermillion, Councilor Shankle, Councilor Childress, Council President Newland, Councilor Robles, and Mayor Keyser. Voting Nay: Councilor Botsford.

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

Ms. Teets explained the importance of adopting a Public Records Policy, as it is currently at the legislative level that requires each city to have one.

A motion was made by Council President Newland to adopt Resolution No. 2023-03, Adopting a Public Records Request Policy, seconded by Councilor Vermillion. Vote passed 7-0, with all Councilors voting Aye.

Mr. Corthell requested that the Public Hearing item for the Code Interpretation be reintroduced to the meeting. Consensus by Council is needed for this item, and was missed at its order of the agenda. Council agreed to revisit the item. They had questions regarding the 55-mile vicinity of work by River City.

Mayor Keyser invited representatives from River City Environmental back to the podium. He wanted to know how often the company had to go to out of state to Vancouver, WA. Mr. McInnis stated that it doesn't happen often, however they wanted to give themselves the opportunity to do so.

River City takes care of waste and biosolids, and they have other areas that enable them to offload product. Durham and Gresham take loads, as well as Tillamook, Roseburg, and near Eugene. Mr. Corthell explained to Council that if River City decided to develop in Molalla, they would have to meet requirements for a pre-treatment program. The program creates a volume and quality limitation that would have to be met.

Councilor Shankle inquired on whether they are planning a dewatering program here, Mr. Sheckard stated yes, that is the plan. She also asked where they are dumping solids at this time. Loads are dumped at a permitted landfill, such as Hillsboro, and Wasco County. She wanted reassurance that odor would be kept at a minimum, with airscrubbers, etc. Mr. Sheckard stated that yes, all of that would happen.

Mayor Keyser asked Mr. Corthell what was required by Council. Mr. Corthell asked for consensus by Council. In a thumbs up, thumbs down vote, Mayor Keyser, Councilor Vermillion, Councilor Shankle, Councilor Childress, and Council Botsford voted thumbs up/yes. Council President Newland and Councilor Robles voted thumbs down/no, as they were hoping for a smaller region radius than 55 miles.

GENERAL BUSINESS

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

Carol Westergreen, Molalla resident, has mixed feelings about the Disc Golf Course that is being designed at Ivor Davies Park. Ms. Westergreen resides in one of the properties that has a fence that shares a property line with the Park. In the past, the owners have had people jump over their fence to retrieve their golf discs. Being frustrated with people coming onto their private property, the owners installed a hot fence. She is frustrated that the City did not ask them about what problems they had faced in the past, before designing the updated park. Ms. Westergreen also views it as a good thing for the City, and feels that for the most part, users clean up their trash and take care of the disc baskets. She suggested a design change to one of the tees that would direct park users away from her house, instead of towards it. Council and staff agreed that it would be a simple change to accommodate.

A motion was made by Council President Newland to approve the Disc Golf Course layout, seconded by Mayor Keyser. Vote passed 7-0, with all Councilors voting Aye.

STAFF COMMUNICATION

- City Manager Huff informed Council that a draft Public Camping Ordinance will be brought to them at the next meeting for their review.
- City Recorder Teets announced that Budget Committee applications are due on March 3rd. Applicants will be interviewed at the March 8, 2023 City Council meeting. Ms. Teets stated that emails referencing the annexation that had taken place, will become part of the meeting packet and public record.
- Community Development Director Corthell announced that Request for Proposal's are getting ready to be announced for the Storm Water Master Plan update, Parks Master Plan Update, and Emergency Operations Plan. He also shared his monthly Community Development report.
- PW Division Manager Peters presented a video promoting the need for a new Waste Water Treatment Plant. Council appreciated his hard work on this.

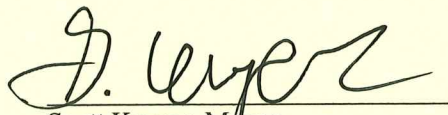
COUNCIL COMMUNICATION

- Councilor Vermillion announced MRSD dates and MRSD Budget Committee openings.
- Councilor Shankle met with the Beautification & Culture Committee recently. They are working on plans for the City Wide Clean-Up day. Date to be announced.
- Councilor Childress thanked Clackamas County Board of Commissioners for approving the purchase of the Quality Inn for Project Turn-Key 2.0. The program serves homeless, senior citizens, those dealing with issues of domestic violence, etc. She also stated that not all homeless people are drug addicts, and not all drug addicts are homeless.
- Council President Newland reported that the next Parks CPC meeting will be held on March 6th at 5:30pm, at Molalla City Hall.
- Councilor Robles announced the upcoming Library Board meeting. She also thanked citizens for attending the meeting, acknowledging that annexations can be frustrating.
- Councilor Botsford had nothing to report, but wished her daughter Happy Birthday.
- Mayor Keyser reminded Council that the Clackamas County Cities Dinner will be held in Happy Valley on Thursday.
Post script: The CCA Dinner in Happy Valley was cancelled due to inclement weather.

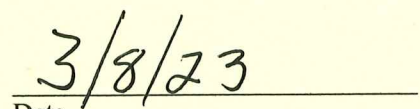
For the complete video account of the City Council Meeting, please go to YouTube
"Molalla City Council Meetings – February 22, 2023"

ADJOURN

Mayor Keyser adjourned the meeting at 9:13pm.

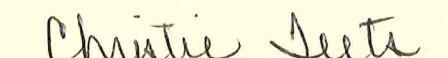


Scott Keyser, Mayor



Date

ATTEST:



Christie Teets, City Recorder

From: [dirk.schlagenhauser](#)
To: [City Recorder](#)
Subject: Hope this isn't the second email I sent
Date: Wednesday, February 22, 2023 4:06:18 PM

Hi! I'm having email issues. Since I can't find this in my sent folder I'll try again. Please enter this public comment for items not on the agenda in the record for tonight's City Council meeting:

Good evening everyone! Thank you for hearing my thoughts on food carts.

My name is Dirk Schlagenhauser and I serve on the Oregon City Planning Commission. This letter is my thoughts and mine alone and has nothing to do with my work with Oregon City in any official capacity.

Ok. Firstly we get a lot of letters too and I know you have plenty of other things on the agenda so let me make this informative and as short as possible.

Food carts. Also known as mobile food units. Oregon City struggled for years deciding what to do with them. We aggressively opposed them. Our brick and mortar restaurants had huge fears of doomsday scenarios where the carts are a hit and their businesses flop. We finally compromised and put the zoning for food cart pods a few blocks from most of our popular restaurants in the downtown area on Main Street. What we have found was the carts have struggled more than the restaurants. With the restaurant owners we've questioned noticing no negative impacts. The struggles the food cart vendors noticed could be due to the number of carts, as there are many options for diners.

Another thing that was discovered is that folks that go to a food cart pod are not typically people that would have gone to a restaurant. It's a different group of clients looking for a different experience. It's people with kids and a dog perhaps that don't want to be inside a building or perhaps don't want to be waited on. Or a couple meeting friends that want to sit outside.

People that go into restaurants might be there to watch a game or are out on a date or meeting a client. Restaurants are never 30 degrees or 110 degrees.

I can tell you from personal experience that the presence of food carts hasn't stopped us from dining at our favorite local restaurants and the times we visited food carts we had no intention of visiting a restaurant had the carts not existed.

Another thing we've noticed is a pod attracts people. It gets them to stop, park the car, and look around. It helps nearby businesses by increasing foot traffic.

We've talked to the owners of Nebbiolo, Coasters Crossing, and The Verdict to start and they would be happy to discuss their observations before and after food carts became a part of OC.

I feel it would benefit the city of Molalla and definitely help their food cart vendors by making them more visible and better located.

Yes that got longer than I had hoped for. Please reach out if you would like more information on whatever aspects you may have interest in knowing more about.

Thanks for staying awake.
Dirk Schlagenhauser
Oregon City

Sent from my iPhone

From: [Nick Jacoby](#)
To: [City Recorder](#)
Subject: Ordinance no 2023-01 and 2023-02
Date: Wednesday, February 22, 2023 11:48:53 AM

In regards to zoning of lot 52E16 00200 for medium density residential I want it to be noted that as a citizen of Molalla, I am adamantly against the building of new apartment buildings on this lot or any lot in Molalla.

The city council and other relevant public figures had a chance to determine what the future of Molalla would look like and I have to say that with the approval of all the new apartment buildings, they have failed miserably. Molalla was a nice, quiet town, with a relatively slow pace, inhabited by friendly people with similar values. People who want to live in three story apartments aren't the kind of people who appreciate what Molalla has to offer. You have stacked apartments on top of each other in a way that provides all future inhabitants with a view of a concrete building (dollar general, Good will) or a lovely view of another apartment! You are NOT adding value to the town by adding low quality housing that provides a low quality of life for tenants. You have to expect that hundreds of people with a low quality living situation are going to negatively impact the town and the atmosphere of that town. Nothing exists in a vacuum. What you build has a direct impact on the energy and culture of the community. What happens when the local ranchers and farmers no longer recognize the city they are attached to and they start selling off their property? More developers move in to build more cheap housing that doesn't offer value to the city or the people living in that city! Molalla will be lost and everything that was good and unique about it will be gone. Stop shaping the future of Molalla in a way that screams "cheap stripmall with cheap apartments".

Nick Jacoby

From: [Dan Huff](#)
To: [Christie Teets](#)
Subject: FW: Annexation on Wednesday
Date: Tuesday, February 21, 2023 8:46:17 AM

From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 8:01 AM
To: Scott Keyser <skeyser@cityofmolalla.com>
Cc: Dan Huff <dhuff@cityofmolalla.com>
Subject: RE: Annexation on Wednesday

If memory serves, this property is the only one in that area that was comp planned as R-2. I wasn't here when that happened, but I think it was simply missed as a major comp plan re-zoning effort was taking place, so it's not a widespread issue that needs to be addressed. I don't foresee a potential small multi-family in that area causing any major issues, and being that we are at the point of application I think we have to honor the comp plan zoning.

It's not unusual for a "mistake" to occur in a comp plan as they are so widespread and deal with every aspect of how the city develops both in terms of private property and in terms of public infrastructure – the code even states that one purpose of zoning map amendments is to "correct a mistake".

At the end of the day, we could go through the process of re-zoning this property R-1 after this application, but that would require all of the work that goes into a comp plan amendment and would not prevent multi-family in principal because the new owner could simply divide the lots to minimum size and stuff duplexes in each one.

We'll probably end up with something more desirable by just letting the pieces fall where they will, and we can certainly put a bug in the applicant's ear that townhomes would be far more desirable than say a 6 or 8 plex... while that certainly doesn't guarantee they'd go that route, it can be persuasive at times.

We can chat further on this if you'd like, just let me know.

-Mac

Macahan "Mac" Corthell, J.D. | Community Development Director

City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

Email – mcorthell@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

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From: Scott Keyser <skeyser@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 7:44 AM
To: Mac Corthell <mcorthell@cityofmolalla.com>
Cc: Dan Huff <dhuff@cityofmolalla.com>
Subject: Re: Annexation on Wednesday

Is this a issue going down the road that we need to adjust? My biggest fear is seeing a apartment complex going up. I could swallow some row houses. But apartments going in everywhere I think is a little much.

Scott Keyser
Mayor
City of Molalla Oregon
503-547-7986

From: Mac Corthell
Sent: Tuesday, February 21, 2023 7:33:03 AM
To: Scott Keyser
Cc: Dan Huff
Subject: RE: Annexation on Wednesday

Hi Mayor,

The Comprehensive plan contains zoning for all properties in the city, those in the UGB are zoned with county designations until they come in, then they become zoned in accordance with that plan. Zoning is not done on a case by case basis unless the applicant applies for a zone change, then they have to apply to amend the comp plan as well.

-Mac

Macahan “Mac” Corthell, J.D. | Community Development Director

City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

Email – mcorthell@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

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From: Scott Keyser <skeyser@cityofmolalla.com>

Sent: Monday, February 20, 2023 7:59 AM
To: Mac Corthell <mcorthell@cityofmolalla.com>
Cc: Dan Huff <dhuff@cityofmolalla.com>
Subject: Annexation on Wednesday

Good Morning Sir's

In looking at our packet for Wednesday night I see we are doing a UGB annexation. I curious on why we are sending it straight to a R2 designation? I see the house is built in the 60's so that tells me they are shooting straight toward multi family. I'm not crazy about that thought in that area. Is there a way we can bring it in R1 and then let them come back for the R2 process and if it passes then they can go forward? Just ideas I'm throwing out.

Scott Keyser
Mayor
City of Molalla Oregon
503-547-7986

From: [Dan Huff](#)
To: [Jody Newland](#)
Cc: [Scott Keyser](#); [Leota Childress](#); [Terry Shankle](#); [Crystal Robles](#); [Eric Vermillion](#); [Rae-Lynn Botsford](#); [Christie Teets](#)
Subject: RE: 14680 S Feyrer Park Rd
Date: Tuesday, February 21, 2023 4:10:33 PM

Jody - The Comprehensive Plan has designated this property Medium Density Residential. We are suggesting bringing the property into the city limits with a compliant zone for that designation. Forcing the property to down zone may bring other more complicated problems. Keeping the zoning R-2 will not make matters worse. I am wondering what matters would be made worse?

Dan Huff
City Manager
City of Molalla, Oregon
(503)829-6855



PUBLIC RECORDS LAW DISCLOSURE

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From: Jody Newland <jnewland@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 2:28 PM
To: Dan Huff <dhuff@cityofmolalla.com>
Subject: Re: 14680 S Feyrer Park Rd

Hi Dan,

I'm not sure if I should be replying all or not, so I'm sending it to you.

I have hesitation on this application as well. If we have a "mistake" in our comp plan designating this property as R-2 instead of R-1, shouldn't it be fixed at the same time as we are considering this? On pg 65 of the packet it even discusses "correcting a mistake." (C) and that this can be done concurrently with the application (B)?

Any other building besides single story residences do not make sense in that location. I'd rather correct the mistake from the beginning rather than making it worse.

Jody

From: Dan Huff
Sent: Tuesday, February 21, 2023 8:22 AM
To: Scott Keyser; Jody Newland; Leota Childress; Terry Shankle; Crystal Robles; Eric Vermillion; Rae-Lynn Botsford
Cc: Christie Teets; Mac Corthell; Dan Zinder
Subject: FW: 14680 S Feyrer Park Rd

Mayor and Council – I am sharing some questions that Mayor Keyser and Councilor Vermillion had asked regarding the annexation that you all will consider tomorrow night. I have also included the Community Development Director's response. Please let us know if you have further questions.

Dan Huff
City Manager
City of Molalla, Oregon
(503)829-6855



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From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 8:05 AM
To: Eric Vermillion <evermillion@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>

Subject: RE: 14680 S Feyrer Park Rd

Good Morning Councilor Vermillion,

I've been having a similar convo with the Mayor, and am providing the same information I provided him... I think this is responsive to your questions as well, but let me know if you'd like to chat further:

If memory serves, this property is the only one in that area that was comp planned as R-2. I wasn't here when that happened, but I think it was simply missed as a major comp plan re-zoning effort was taking place, so it's not a widespread issue that needs to be addressed. I don't foresee a potential small multi-family in that area causing any major issues, and being that we are at the point of application I think we have to honor the comp plan zoning.

It's not unusual for a "mistake" to occur in a comp plan as they are so widespread and deal with every aspect of how the city develops both in terms of private property and in terms of public infrastructure – the code even states that one purpose of zoning map amendments is to "correct a mistake".

At the end of the day, we could go through the process of re-zoning this property R-1 after this application, but that would require all of the work that goes into a comp plan amendment and would not prevent multi-family in principal because the new owner could simply divide the lots to minimum size and stuff duplexes in each one.

We'll probably end up with something more desirable by just letting the pieces fall where they will, and we can certainly put a bug in the applicant's ear that townhomes would be far more desirable than say a 6 or 8 plex... while that certainly doesn't guarantee they'd go that route, it can be persuasive at times.

-Mac

Macahan "Mac" Corthell, J.D. | Community Development Director
City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

Email – mcorthell@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

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From: Eric Vermillion <evermillion@cityofmolalla.com>

Sent: Tuesday, February 21, 2023 6:53 AM

To: Dan Huff <dhuff@cityofmolalla.com>; Mac Corthell <mcorthell@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>

Subject: 14680 S Feyrer Park Rd

Good morning Mr. Dan Huff, Mac Corthell & Dan Zinder

A couple of questions regarding 14680 S Feyrer Park Rd

- Page 59 of our agenda packet:
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 - *I can’t seem to find it.*
- *How can this partial of land revolve between a “proposal” / “shall” and “designates”?*

Thank you for all you do!

Eric Vermillion

City Councilor
City of Molalla
(503) 309-1586



From: [Dan Huff](#)
To: [Scott Keyser](#); [Jody Newland](#); [Leota Childress](#); [Terry Shankle](#); [Crystal Robles](#); [Eric Vermillion](#); [Rae-Lynn Botsford](#)
Cc: [Christie Teets](#)
Subject: River city Environmental/Code Interpretation
Date: Tuesday, February 21, 2023 9:52:45 AM

Mayor and Council – Councilor Shankle asked a question about the Code Interpretation item on your Agenda tomorrow night. Community Development Department response is below. Let us know if any of you have additional questions.

Dan Huff
City Manager

City of Molalla, Oregon
(503)829-6855



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From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 9:06 AM
To: Terry Shankle <tshankle@cityofmolalla.com>
Cc: Dan Zinder <dzinder@cityofmolalla.com>; Andy Peters <apeters@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>; Christie Teets <cteets@cityofmolalla.com>
Subject: RE: River city Environmental

Good Morning Councilor Shankle,

First, I want to highlight your statement that this is not what you are voting for on Wednesday night. That is absolutely correct, and I think it's important to note that the purpose of this interpretation is to provide staff and the public with the information necessary to determine what this particular section of code means. The affect of the decision will pertain to all future applications, not just a potential River City application, so it's important to view this interpretation through the narrow lens of what our code means, not allowing vs. disallowing River City.

Expanding on your other concerns, the operational aspects of a wastewater utility operating in the City would be handled through two mechanisms that give the City the ability to exercise some control over what goes on:

1. A pre-treatment program – the applicant would be required to enter a pre-treatment

program that defines the allowed volume of effluent, the quality of allowed effluent, the monitoring of the volume and quantity, and a fee structure that would fully account for the impacts of the operation.

2. A conditional use permit – this allows the city to review the operative conditions in the CUP annually or on some other pre-determined schedule and to ensure the permittee is operating in accordance with the conditions laid out for them. If they are not, the city can revoke their permit.

Whether or not River City would intend to accept waste from other septic haulers is a question we could ask at the time of application for land use, but we're not sure what their plans are as they have not applied. With that said, their ability to accept other wastewater would be controlled by their volume and quality allowances in their pre-treatment permit, that is to say that they would have a volume limitation (and/or significant rate increase at a particular volume if exceeded) and a quality requirement, so they can't just discharge all they want and whatever they want to our system, it is governed by permit.

I hope this helps, and please let me know if you have any additional questions you'd like to discuss.

-Mac

Macahan "Mac" Corthell, J.D. | Community Development Director

City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

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From: Andy Peters <apeters@cityofmolalla.com>

Sent: Tuesday, February 21, 2023 8:48 AM

To: Mac Corthell <mcorthell@cityofmolalla.com>

Cc: Dan Zinder <dzinder@cityofmolalla.com>

Subject: FW: River city Environmental

Mac could you answer Councilor Shankle for us as discussed?

Thanks!

Andy Peters, Public Works Div Manager

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0220](tel:503.759.0220)

Email – apeters@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

From: Terry Shankle <tshankle@cityofmolalla.com>

Sent: Monday, February 20, 2023 11:57 AM

To: Andy Peters <apeters@cityofmolalla.com>

Subject: River city Environmental

Hi Andy,

I have some concerns about River City putting a facility here. Is our current/new treatment plant going to be able to handle the 1000's of gallons of water (I am aware the waste will not be included), coming in from this site on a daily basis? I am familiar with their company and what they do. I know of their sites in the Portland area and understand how they work.

I am also wondering if they will be excepting waste from other septic haulers?

I realize this is not the issue we are voting on Wednesday night but I don't want to approve a code for a business our city facilities can't handle.

Thank you

Terry Shankle

From: [Dan Huff](#)
To: [Scott Keyser](#); [Jody Newland](#); [Leota Childress](#); [Terry Shankle](#); [Crystal Robles](#); [Eric Vermillion](#); [Rae-Lynn Botsford](#)
Cc: [Christie Teets](#); [Mac Corthell](#); [Dan Zinder](#)
Subject: FW: 14680 S Feyrer Park Rd
Date: Tuesday, February 21, 2023 8:23:05 AM

Mayor and Council – I am sharing some questions that Mayor Keyser and Councilor Vermillion had asked regarding the annexation that you all will consider tomorrow night. I have also included the Community Development Director’s response. Please let us know if you have further questions.

Dan Huff
City Manager
City of Molalla, Oregon
(503)829-6855



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From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 8:05 AM
To: Eric Vermillion <evermillion@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>
Subject: RE: 14680 S Feyrer Park Rd

Good Morning Councilor Vermillion,

I’ve been having a similar convo with the Mayor, and am providing the same information I provided him... I think this is responsive to your questions as well, but let me know if you’d like to chat further:

If memory serves, this property is the only one in that area that was comp planned as R-2. I wasn’t here when that happened, but I think it was simply missed as a major comp plan re-zoning effort was taking place, so it’s not a widespread issue that needs to be addressed. I don’t foresee a potential small multi-family in that area causing any major issues, and being that we are at the point of application I think we have to honor the comp plan zoning.

It’s not unusual for a “mistake” to occur in a comp plan as they are so widespread and deal with every aspect of how the city develops both in terms of private property and in terms of public

infrastructure – the code even states that one purpose of zoning map amendments is to “correct a mistake”.

At the end of the day, we could go through the process of re-zoning this property R-1 after this application, but that would require all of the work that goes into a comp plan amendment and would not prevent multi-family in principal because the new owner could simply divide the lots to minimum size and stuff duplexes in each one.

We’ll probably end up with something more desirable by just letting the pieces fall where they will, and we can certainly put a bug in the applicant’s ear that townhomes would be far more desirable than say a 6 or 8 plex... while that certainly doesn’t guarantee they’d go that route, it can be persuasive at times.

-Mac

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Eric Vermillion
City Councilor

City of Molalla
(503) 309-1586



From: [Dan Huff](#)
To: [Christie Teets](#)
Subject: FW: 14680 S Feyrer Park Rd
Date: Tuesday, February 21, 2023 1:08:34 PM

From: Dan Zinder <dzinder@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 1:01 PM
To: Mac Corthell <mcorthell@cityofmolalla.com>; Eric Vermillion <evermillion@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>
Subject: RE: 14680 S Feyrer Park Rd

Councilor Vermillion,

I want to make a follow up clarification to Mac's comments. I wasn't in Planning at the time but did the GIS work for the Plan Zone Conflict Resolution in 2017 that sought to rectify zoning issues where existing development patterns did not match zoning designations. One of the areas we addressed was Sunrise Acres (the southeast neighborhood in town adjacent to the subject parcel). At that time, the zoning in Sunrise Acres was R-1 but the comp plan zoning was R-2. Staff initially proposed a zoning designation matching the comp plan but we received several concerns from neighborhood residents requesting a downzoning of the comp plan designation to match existing zoning. Staff modified the proposal for Sunrise Acres so that both comp-plan and zoning designations were set as R-1. It seemed a reasonable conciliation to the concerned residents.

Though situated adjacent, the subject parcel for this application is not a part of Sunrise Acres and that's why it wasn't included in that zone change effort. It's a separate parcel and its fate was not tied to that of Sunrise Acres. In fact, it wasn't even in the City Limits at the time. In this case the owner did not want/request a zone change and now wishes to make a change matching the comp plan designation of R-2.

It may feel off because it's only one parcel but think of it like Big Meadow and Lexington Estates on the northwest side of town. A citizen group lobbying to change the zoning in Big Meadow wouldn't affect Lexington Estates if they were not included in the request.

Best,
Dan Zinder
503.759.0226

From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Tuesday, February 21, 2023 8:05 AM
To: Eric Vermillion <evermillion@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>; Dan Zinder <dzinder@cityofmolalla.com>
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Thank you for all you do!

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





Community Development Department
315 Kennel Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 759-0205

To: Honorable Mayor & City Council

From: Community Development Director, Mac Corthell

Date: February 22, 2023

Re: Monthly Community Development Report

Table of Contents

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LONG-TERM PLANNING..... 2

CODE ENFORCEMENT..... 2

ECONOMIC DEVELOPMENT 3

PUBLIC & PRIVATE INFRASTRUCTURE PROJECTS..... 4

PUBLIC WORKS MAINTENANCE 8

LAND USE & PERMITTING

Planning and Land Use Application Statistics:

New Apps 7/01/22 – 02/07/23

- Type I BP Apps – 12
- Type I Other Apps – 77
- Type II Apps – 6
- Type III Apps New– 1
- Type IV Apps – 3
- Final Plat – 0
- Pre-App Requests - 18

Approvals 7/01/22 – 2/07/23

- Type I BP Apps – 14
 - Residential Units – 212
 - Com/Ind Sq Ft – 0
- Type I Other Apps – 73
- Type II Apps – 2
- Type III Apps – 6
- Type IV Apps – 0
- Final Plat – 0
- Pre-Apps Held - 12

Open Apps 2/7/23

- Type I BP Apps – 4
- Type I Other Apps – 1
- Type II Apps – 1
- Type III Apps – 1
- Type IV Apps – 5
- Final Plat – 4
- Pre-Apps Pending - 6

LONG-TERM PLANNING

Housing Needs Analysis and Production Strategy:

- Funding: DLCD Grant Received to Fund Project, \$5k City Match.
- Purpose: HB 2003 Compliance, Background Study for Sufficiency of Urban Growth Boundary.
- Deliverables: Amendments to Comprehensive Plan and Development Code.
 - Updated Buildable Lands Inventory, Housing Inventory & Needs Analysis, Housing Production Strategy.
- Status:
 - Housing Needs Analysis
 - Staff implementing input received at 2/7/22 public hearing.
 - Revised HNA to be resubmitted upon approval of Sequential UGB process.
 - Housing Production Strategy
 - Public Outreach – Survey on Molalla Current
 - Public Outreach – Townhall Scheduling

Urban Growth Boundary

- Sequential Expansion
 - Status: Sequential Election Notice submitted to County for Concurrence
 - Next Steps:
 - Submit Sequential Election with Concurrence and Draft Work Plan to DLCD
 - Finalize work plan with DLCD
 - Adopt Housing Needs Analysis
 - Seek Grant Funding for Employment Opportunities Analysis

Upcoming Long-Term Planning Initiatives:

- Parks Master Plan – RFP in work
- Stormwater Master Plan – RFP to be posted on 2/27/22
- Emergency Operations Plan – Consultant hired, preliminary staff meetings begin 2/23/22

Completed Projects:

2022 DLDC Class on UGB expansion presented at joint PC/CC meeting on 11/16/22
 2022 Updated all Land Use & Permitting Forms, Made Fillable, and Organized on Website
 2022 Provided Land Use & Permitting class to Realtors Association

CODE ENFORCEMENT

Code Case Statistics:

<u>7/1/22 – 2/7/23</u>	<u>7/1/22 – 2/7/23</u>
<ul style="list-style-type: none"> • New Complaints - 49 • Current Open Cases – 55 <ul style="list-style-type: none"> ○ Open Cases Initial Letter - 39 	<ul style="list-style-type: none"> • Cases Closed – 30 <ul style="list-style-type: none"> ○ No Violation – 7 ○ Compliance – 9 ○ Referred - Other Agency – 14

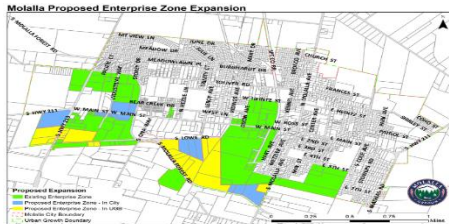
Neighborhood Livability Program:

- The NLP has been focused on due diligence and foundation work for a potential Code Services Officer
 - The position is under review by Finance and, if financially viable, will be presented to the City Council for approval or denial as the Council sees fit.

City of Molalla Now Hiring a Code Compliance Specialist!

- This position was developed through a cooperative effort between Molalla Police Department and Molalla Community Development Department.
 - The City Council has approved the position!
 - Full recruitment can be found on the City of Molalla website under “Your Government – Job Openings”

ECONOMIC DEVELOPMENT

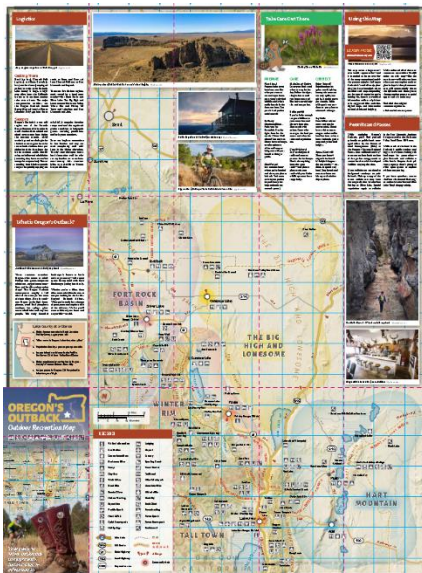


Completed Projects:

- 2022 Enterprise Zone Boundary Expansion (see map ←)
- 2022 Wayfinding Kiosks & Map
- 2022 Destination Ready Grant (Kiosks)
- 2022 Kiosk Art Contest
- 2022 Travel Oregon Destination Assessment

Beautification & Culture CPC:

- Spring Clean Up and Citywide Garage Sale
 - B & C CPC Discussing Details and Management.
 - Molalla Current Page to be Developed.



Travel Oregon Destination Ready Action Project:

- Map product is partially developed, final review expected This month!
- **This project made possible by our partners:**
 - Mt. Hood Territory (Clack Co Tourism) who applied for and administered this Destination Ready process on behalf of the city.
 - Travel Oregon who funded the Destination Ready grant and has been a major partner in providing consultants, and staff to bring this project home.

Economic Development Web Page Update!

- Completion of the Enterprise Zone Expansion triggered the next phase in the City’s Economic Development program evolution... a valuable, viable web presence!

PUBLIC & PRIVATE INFRASTRUCTURE PROJECTS

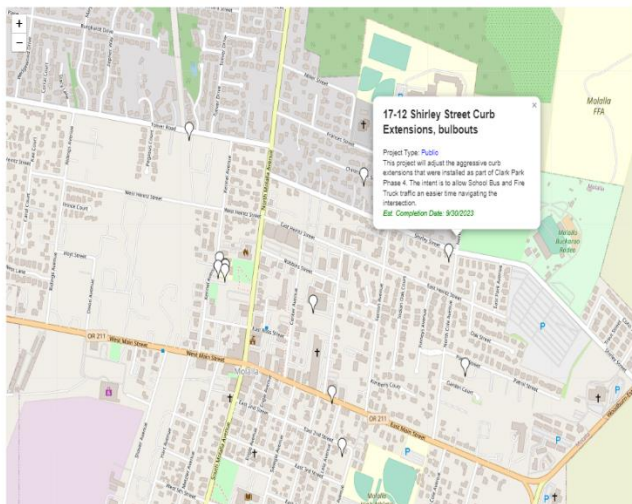
New Public Facing Project Map on the Current!

The new project map is live! PW Div Mgr, Andy Peters, developed this map product and worked closely with the City’s various digital hosting and platform partners to get this thing out to the public. Please help spread the word that it’s here!

Public Improvement Projects Map



This page provides an interactive project map with flags for each public project currently underway in Molalla. Hovering over a project flag will provide more information, and the "Questions" tool below can be used to ask project related questions.



Current Public Projects



Housing Needs Analysis & Production Strategy

Determines the types and amounts of housing in Molalla, informs on the Urban Growth Boundary.

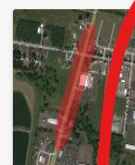
[View Project](#)



Molalla's Water System

Learn about the system, the projects, the plans, and ask your questions!

[View Project](#)



OR-213 Improvement Projects

Traffic Impacts and Information on the improvement projects along OR-213.

[View Project](#)



Public Improvement Projects Map

This page provides an interactive project map with flags for each public project currently und...

[View Project](#)

Project List

Number

Project Name

Notes

23-03

Molalla Petroleum 710 E Main Street

Private

23-02

Emergency Operations Plan (EOP) Update

In Work – Preliminary Meetings 2/23/23

23-01

Disk Golf at Ivor Davies

In Work – Seeking CC Approval 2/22/23

22-36

Lead and Copper Water Service Inventory

On Hold

22-35

Water Treatment Plant Auto Shutdown Upgrade

In Work – Awaiting Materials

<u>22-34</u>	Engineering Process Development	In Work – Process Review w/Consultant
<u>22-33</u>	Clark Parks Sports Field Improvements	On Hold – Awaiting Parks Master Plan
<u>22-32</u>	Parks Master Plan	In Work – Developing RFP
<u>22-31</u>	Stormwater Masterplan	In Work – RFP posting on 2/27/23
<u>22-30</u>	WWTP Aeration Bypass Engineering	In Work – Awaiting Materials
<u>22-29</u>	Water Intake Structure Reconstruction	On Hold – Restart in FY23/24
<u>22-27</u>	Summer Irrigation Capacity Expansion Plan	In Work – Plan Development
<u>22-26</u>	Establishing a Temperature Allocation in the Willamette TMDL	In Work – Providing Info & Comment
<u>22-24</u>	Water Distribution System Pressure Zoning and PRV Installation	In Work - Design
<u>22-23</u>	Fifth Street Duplex with Storm and Alley Improvements	Private
<u>22-22</u>	On Call Paving Services (Road Maintenance Resurfacing Program)	In Work – Begins FY23/24
<u>22-18</u>	Wooden Streetlight Pole Replacements (with PGE Option A)	In Work – PGE Project
<u>22-17</u>	Sewer Pipe Lining 2022 (Toliver, S. Molalla)	Complete
<u>22-16</u>	Coffee Shop (31330 OR 213)	Private
<u>22-14</u>	Odot ADA Ramps along HWY 211	In Work – ODOT Project
<u>22-13</u>	Goodwill	Private
<u>22-11</u>	River Meadows Subdivision	Private
<u>22-09</u>	1000 W. Main St (Affordable Apartments)	Private
<u>22-08</u>	Planning Consultant	Complete
<u>22-07</u>	Cascade Place Apartments	Private
<u>22-04</u>	New 2.0 MG Tank at Water Treatment Plant	In Work – Property Acquisition/Land Use
<u>22-02</u>	501 E Main Street - C Store	Private

<u>21-16</u>	Housing Needs and Production DLCD Grant	In Work – HNA, HPS
<u>21-12</u>	New Police Facility	In Work – Design/Financing
<u>21-10</u>	Molalla Civic Center Improvements	In Work – Out to Bid for Non-CDBG work, Finalizing CDBG Grant
<u>21-01</u>	Bartell Partition & Development (Patrol Street)	Private
<u>20-07</u>	Strawberry Park	In Work – Punch List
<u>20-03</u>	Eckerd Ave, 2nd St, Lola Ave Sewer and Water line replacement	In Work - Construction
<u>20-01</u>	Colima Apartments	Private
<u>19-10</u>	WWTP Upgrade	In Work – Design/Financing
<u>19-04</u>	Cascade Center Commercial Development	Private
<u>18-16</u>	Hix Tractor Supply Store	Private
<u>18-08</u>	OR 213 / Toliver Roundabout	In Work – Out for Bids
<u>18-04</u>	Biosolids Removal	In Work – Ongoing Removal
<u>18-02</u>	Dyer miscellaneous development review and general engineering	In Work – Ongoing, As Needed
<u>17-20</u>	Sawyer Truck Repair	Private
<u>17-12</u>	Shirley Street Curb Extensions, bulbouts	
Shovel Ready		
<u>22-28</u>	Wellhead and Aquifer Storage and Recovery (ASR) Feasibility Study – As able	
<u>21-15</u>	S Molalla Waterline 5th to Molalla Forest Road – Planned for FY 23/24	
<u>21-13</u>	Water Leak Survey and Repairs – Planned for FY 23/24	
On Hold		
<u>22-21</u>	Section St Rehabilitation – Planned for FY23/24	

- 22-19 Molalla Forest Road Resurfacing and Reopening – Planned for FY 23/24
- 22-12 RWUP Update for New Coleman Field – Planned for FY 24/25
- 22-05 WTP Tracer Study – Planned for Spring FY 22/23
- 21-09 Chief Yelkus Park – Awaiting Development of Financing Options
- 21-02 Yelkus Park Road – Planned for FY 23/24

Other Completed Projects:

- 22-25 City Hall Police Dept HVAC Replacement (Emergency)
- 22-20 Toliver at Trinity Estates Water Main Replacement, and Sidewalk Improvement
- 22-15 Mercury TMDL Implementation Plan
- 22-10 WWTP Interim Capacity Determination – Balancing the need for development with existing WWTP Capacity
- 22-06 CIP & SDC Update
- 22-03 Shaver St. @ OR-211 Repair
- 22-01 City Hall Sewer Main Repair (Emergency)
- 21-14 City Hall Reader Board
- 21-11 Fox Park Play Equipment Improvements
- 21-08 150 Miller St – private development
- 21-06 Scandia Waterline Replacement
- 21-04 City Hall Upstairs Remodel
- 21-03 Water CIP Rates and SDC Study
- 20-05 Clark Park Pathway
- 20-04 Shops/WWTP/Elementary School Waterline
- 20-02 643 N Molalla Ave – private development
- 19-13 Dollar General – private development
- 19-09 OR 211 / Molalla Signal

- 19-07 Molalla Forest Road Bridge Phase II
- 18-14 City Shops Decant Facility
- 17-15 WTP Filters and Telemetry
- 17-04 ODOT, OR-211 Bike/Ped path

PUBLIC WORKS MAINTENANCE

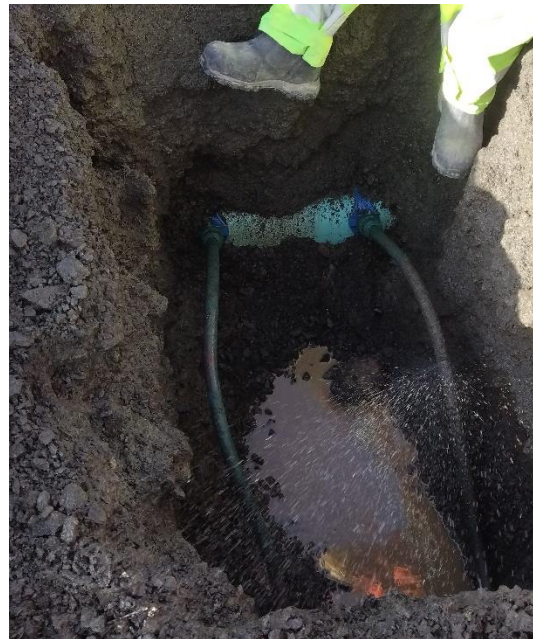
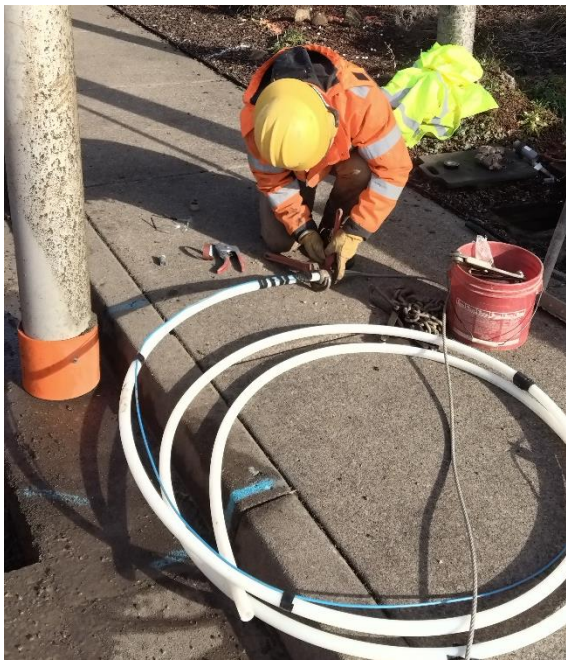
Public Works Crews removing graffiti at the Civic Center





Public Works Crews Demo the Gazebo at Long Park and Reframe the Electrical Panel.





Above: Public Works Crews repair a leak on Rachel Lane

Below: Cody F. and Wyatt K. install new book drop boxes for the library.

