



ORDINANCE NUMBER 2019-16

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON. AN ORDINANCE CHANGING THE PROCEDURE FOR PROCESSING PRELIMINARY LAND PARTITION PLATS FROM A TYPE II PUBLIC HEARING PROCEDURE TO A TYPE II ADMINISTRATIVE DECISION PROCEDURE, APPEALABLE TO PLANNING COMMISSION.

WHEREAS, Chapter 17-4.3.030 of the Molalla Municipal Code details the process for approval of preliminary plats;

WHEREAS, Table 17-4.1.010 summarizes various land use approvals and review procedures;

WHEREAS, staff recommends that the procedure for land partitions of three lots or less be simplified, expedited and decided at the administrative level without a public hearing; and

WHEREAS, the Planning Commission considered these amendments at its October 2, 2019 meeting and recommends Council approval.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. Chapter 17-4.3.030.A is hereby amended to read as follows:

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

Section 2. Table 17-4.1.010 Summary of Approvals by Type of Review Procedure is hereby amended to read as follows:

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

Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 17-4.1.020.
Access to a Street	Type I	Chapter 17-3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 17-4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 17-1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 17-4.6
Comprehensive Plan Amendment	Type IV	Chapter 17-4.6
Conditional Use Permit	Type III	Chapter 17-4.4
Home Occupation	No permit, except when required by Chapter 17-4.7.	
Legal Lot Determination	Type I	Chapter 17-1.3
Master Planned Development		
Concept Plan	Type III	Chapter 17-4.8
Detailed Plan	Type I	Chapter 17-4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 17-4.5
Nonconforming Use or Structure, Expansion of	Type I, II or III	Chapter 17-1.4
Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17-4.3
Site Design Review	Type II or III	Chapter 17-4.2
Subdivision or Replat of >3 lots		
Preliminary Plat	Type III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3
Variance	Type III	Chapter 17-4.7
Zoning District Map Change	Type III or IV	Chapter 17-4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

Ordinance 2019-16 – An Ordinance Changing the Procedure for Processing Preliminary Land Partition Plats from a Type III Public Hearing Procedure to a Type II Administrative Decision Procedure, Appealable to Planning Commission.

Section 3. Effective date. This ordinance shall be effective 30 days after passage by Council.

Duly adopted by the City Council of the City of Molalla this 11th day of December 2019.

Keith Swigart, Mayor

ATTEST:

Christie DeSantis, City Recorder