

EXHIBIT 1 – FINDINGS OF FACT (2 Pages)

MMC 17-4.6.020 Procedure. Except for corrections, amendments to Development Code Text are Legislative (Type IV).

Staff Response: The proposed ordinance is and amendment to Development Code Text and as such follows a Legislative Type IV process.

MMC 17-4.1.050(C) Type IV (Legislative Decisions) Procedure.

- 1. The planning official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments at least 35 days before the first public hearing.*

Staff Response: The proposed ordinance was appropriately noticed to DLCD on 3/5/21, 67 days prior to the 5/26/21 public hearing.

- 2. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city and the City's website.*

Staff Response: The proposed ordinance was appropriately noticed and run in the Molalla Pioneer on 5/5/21, 21 days prior to the City Council Public Hearing. The notice was also published on the City Website the same day.

MMC 17-4.6.030 Amendments to Code; Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- 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;*

Finding: The proposal does not involve an amendment to the Comprehensive Plan.

This criterion is not applicable.

- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);*

Finding: The Comprehensive Plan is not implicated in the proposal.

This criterion is not applicable.

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;*

Finding: As Molalla passes the 10,060 mark in population, the city becomes a more attractive center for development of all varieties. With increased development and proper enforcement of development associated public improvement requirements, comes more potential challenges to the “Rough Proportionality” of the improvement requirements. The City’s position is that all the improvement requirements in the Municipal Code are “Roughly Proportional” on their face.

This amendment would require a developer to provide an engineered rough proportionality analysis prior to bringing a rough proportionality claim, which will allow City Staff to review and negotiate if the analysis shows an exaction to be disproportionate, and to mitigate any claim that the analysis shows an exaction to be proportionate.

This proposal is in the public interest in that it provides developers with a process to challenge the “rough proportionality” of exactions on property, shifts the costs of pre-litigation proportionality analysis to the developer, and would help to avoid litigation through negotiations and legally relevant proportionality data. This proposal responds to changes in the community including Molalla exceeding 10,060 in population, and proper application of development related infrastructure improvement requirements.

This criterion is met.

D. *The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance*

Finding: Transportation Planning Rule Compliance is not implicated by this proposal.

This criterion is met.