

City of Molalla

City Council Meeting



Agenda Category: Public Hearing/Ordinances

Subject: DCA10-2021/ORD2023-05 - change the Comprehensive Plan Zoning Map and Zoning Map for thirty-two (32) publicly owned properties located within the City Limits to a Public/Semi-Public base zone to cure zoning inconsistencies for existing and proposed public uses.

Recommended Action & Motion(s): Adopt.

1. I move the Molalla City Council conduct the first reading of ordinance 2023-05, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON CHANGING THE COMPREHENSIVE PLAN ZONING MAP AND ZONING MAP FOR THIRTY-TWO (32) PUBLICLY OWNED PROPERTIES LOCATED WITHIN THE CITY LIMITS TO A PUBLIC/SEMI-PUBLIC BASE ZONE TO CURE ZONING INCONSISTENCIES**, by title only.
2. I move the Molalla City Council adopt ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON CHANGING THE COMPREHENSIVE PLAN ZONING MAP AND ZONING MAP FOR THIRTY-TWO (32) PUBLICLY OWNED PROPERTIES LOCATED WITHIN THE CITY LIMITS TO A PUBLIC/SEMI-PUBLIC BASE ZONE TO CURE ZONING INCONSISTENCIES**.

If approved by unanimous vote of the City Council

1. I move the Molalla City Council conduct the second reading of ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON CHANGING THE COMPREHENSIVE PLAN ZONING MAP AND ZONING MAP FOR THIRTY-TWO (32) PUBLICLY OWNED PROPERTIES LOCATED WITHIN THE CITY LIMITS TO A PUBLIC/SEMI-PUBLIC BASE ZONE TO CURE ZONING INCONSISTENCIES** by title only.
2. I move the Molalla City Council adopt ordinance 2023-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON CHANGING THE COMPREHENSIVE PLAN ZONING MAP AND ZONING MAP FOR THIRTY-TWO (32) PUBLICLY OWNED PROPERTIES LOCATED WITHIN THE CITY LIMITS TO A PUBLIC/SEMI-PUBLIC BASE ZONE TO CURE ZONING INCONSISTENCIES**

DATE OF MEETING TO BE PRESENTED:

5/3/2023 - Planning Commission Recommendation, 5/24/2023 City Council Public Hearing, 1st reading, and possible 2nd reading/adoption.

FISCAL IMPACT:

Negligible to none. Proposed properties to be utilized for their existing or proposed public uses. Reduced consultant fees to develop lands as outright uses rather than require conditional use permit preparation is a potential fiscal benefit and one that applies to the submitted site design review application for the new Molalla police station.

BACKGROUND:

City Staff submits the proposal Molalla Planning File DCA10-2021/Ordinance ORD 2023-05 to City Council to change the Comprehensive Plan Zoning Map and Zoning Map for thirty-two (32) publicly owned properties located within the City Limits to a Public/Semi-Public base zone. The properties are all publicly owned and utilized for public functions including parkland and future parkland, wetlands, stormwater detention, public facilities, and the proposed site of the Molalla Police Station. Twenty-nine (29) of these properties are owned by the City of Molalla and three (3) are owned by the Molalla Fire District. These thirty-two properties are mapped in Exhibit B and an annotated key for the map is provided as Exhibit C showing the number indicated on the map, a property description, current zoning and comprehensive plan zoning, taxlot numbers, address, owner, and acreage for each property. Total acreage for these properties is 35.11ac.

Draft posted to DLCD website 5/11/2023.

Posted for public review 05/17/2023.

EXHIBITS:

EXHIBIT A – FINDINGS OF FACT

EXHIBIT B – AFFECTED PARCEL IDENTIFICATION MAP

EXHIBIT C – ANNOTATED PARCEL KEY



ORDINANCE 2023-05

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON CHANGING THE COMPREHENSIVE PLAN ZONING MAP AND ZONING MAP FOR THIRTY-TWO (32) PUBLICLY OWNED PROPERTIES LOCATED WITHIN THE CITY LIMITS TO A PUBLIC/SEMI-PUBLIC BASE ZONE TO CURE ZONING INCONSISTENCIES

WHEREAS, the City identified inconsistencies that publicly owned and operated properties did not have appropriate Public/Semi-Public zoning to facilitate their use and development as public properties; and

WHEREAS, an initiative was undertaken by the City to cure those inconsistencies by rezoning publicly owned and operated properties within the City accordingly; and

WHEREAS, The City submitted the proposed amendments to rezone public owned and operated properties to Public/Semi-Public zoning to DLCD on March 14, 2023; and

WHEREAS, The City brought the proposed amendments before the Molalla Planning Commission on May 3, 2023 for recommendation to City Council as required by MMC 17-4.6.030; and

WHEREAS, on May 3, 2023 the Planning Commission voted unanimously (5-0) to recommend the proposed amendments to City Council; and

WHEREAS, the Molalla City Council conducted a legislative public hearing on May 24, 2023, where Council heard and considered testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the zone change is consistent with all applicable legal requirements of state law, and City ordinances related to zoning changes and voted to approve the application.

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

Section 1. To amend and replace. The sections of the Comprehensive Plan and Zoning Map identified in Exhibits B and C are hereby amended as set forth in Exhibit C.

Section 2. The findings related to the zone changes, and supporting documentation, attached as Exhibits A-C, are incorporated herein by reference and adopted.

Section 3. Effective Date. This ordinance shall be effective 30 days after adoption by the City Council and approval by the Mayor.

The first reading of this ordinance was held on May 24, 2023 and was passed by a vote of ____ Aye and ____ Nay votes.

The second reading of this ordinance was held on _____ and was adopted by a vote of ____ Aye and ____ Nay votes; **OR**

This ordinance was made available to the public at least 7 days prior to the first reading and was adopted at the first reading by unanimous approval of the City Council; the second reading is waived.

This ordinance is hereby adopted this ____ day of _____ 2023.

Scott Keyser, Mayor

ATTEST:

Christie DeSantis, City Recorder

EXHIBIT A – FINDINGS OF FACT

Staff finds the following provisions of Molalla Municipal Code to be applicable to a zoning and comprehensive map change:

MMC 17-4.6.030 Annexation & Zone Change Approval 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;

Findings:

The proposal does amend the Comprehensive Plan by amending the Comprehensive Plan Map.

Applicable Statewide Planning Goals are:

- Goal 1: Citizen Participation;
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 8 Recreational Needs; and
- Goal 11: Public Facilities

Findings for Goal 1: Citizen Participation

Prior to the May 24th City Council Hearing, Staff complied with all relevant notification requirements and held a discussion with the Molalla Planning Commission.

1. 35-day notice is required prior to the scheduled hearing. Staff Notified DLCD through their Post-acknowledgement plan amendments (PAPA) portal on March 14, 2023 meeting or exceeding this requirement.
2. Measure 56 notice was mailed to all affected parties, including public agencies, on April 26, 2023 exceeding the required 20 day deadline per ORS 227.186.
3. Staff held a discussion of the proposed ordinance with the Molalla Planning Commission on May 3, 2023 to gather their recommendation.
4. Notice was mailed to an interested parties list on May 1, exceeding the 20 day requirement for Type IV decisions per MMC 17-4.1.050 C, 2. All affected property owners were previously accounted for per the Measure 56 notice.

5. Newspaper notice was published on May 3, exceeding the 10-day requirement for Type IV decisions per MMC 17-4.1.050 C, 4.
6. The ordinance and staff report were made available to the public at least 7 days prior to the May 24 hearing.

Consistency with Goal 1 is met.

Findings for Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Map items 8, 10, and 11 from Exhibit B, annotated in Exhibit C include six (6) City owned tax parcels that are entirely encumbered by wetlands as identified in the City's 2001 Local Wetlands Inventory. Riparian corridors Creamery Creek and Bear Creek run through items 8 and 11 respectively. These lands currently have residential zoning and comprehensive plan designations which are inconsistent with the land character. Rezoning these lands to Public-Semi/Public (PSP) provides a layer of insurance that these lands are utilized for open space and allowed recreational purposes.

Consistency with Goal 5 is met.

Findings for Goal 8: Recreational Needs

Map items 1, 2, 3, 5, 6, 7, 9, and 22 from Exhibit B, annotated in Exhibit C include nine (9) City owned tax parcels that are currently City parks or are part of the City's inventory for future parkland. These lands currently have residential, commercial, and industrial designations which could encumber the parklands from being developed as recreational facilities. Rezoning these lands to Public-Semi/Public (PSP) removes that encumbrance.

Consistency with Goal 8 is met.

Findings for Goal 11: Public Facilities

Map item 4 from Exhibit B, annotated in Exhibit C includes two (2) City owned tax parcels that are designated as the future site of the Molalla Police Station. These parcels currently have a commercial zoning designation.

Map item 24 from Exhibit B, annotated in Exhibit C includes three (3) parcels owned by the Molalla Fire Department and adjacent to the existing fire station. One of these parcels currently has a commercial zoning designation and the other two have residential zoning designations.

Map items 12, 13, 14, 15, 16, 17, 18, 19, and 20 from from Exhibit B, annotated in Exhibit C include nine (9) City owned tax parcels that are utilized as stormwater detention ponds.

Map items 21 and 23 from Exhibit B, annotated in Exhibit C include two City owned properties that are currently used as parking for the Molalla Civic Center and an Extreme Weather shelter facility respectively.

Each of these items represents a current or planned public facility need and they are currently zoned in such a way that may encumber their use as such. Rezoning these lands to Public-Semi/Public (PSP) allows them to be developed and utilized Public/Semi-Public use and development standards and removes encumbrances such as conditional use permitting and variances from according use development.

Consistency with Goal 11 is met.

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

Findings:

The proposal amends the Comprehensive Plan Map concurrently with zoning map changes. Molalla Comprehensive Plan Goals 1, 5, 8, and 11 are discussed under Statewide Planning Goal Findings. The proposal is intended to bring existing and proposed public uses on the 32 subject parcels, annotated in Exhibit B, into conformance with the zoning map and comprehensive plan through map changes to both.

(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;

Findings:

Staff finds that the proposal is in the public interest by responding to changes in community conditions and correcting mistakes and inconsistencies in the Comprehensive Plan Map. Exhibit B shows that the subject properties are already publicly owned and designated for public use but have not been zoned accordingly. As the subject properties are already in public use or are planned for public use, zoning for the properties ought to have been changed accordingly. The proposed ordinance corrects these use/zoning inconsistencies. These inconsistencies are also accounted for in a forthcoming Buildable Lands Inventory, currently in draft form, where the subject properties are included in public lands. Those of the subject properties that are residentially zoned are not considered as part of our buildable residential lands.

This criterion is met.

(D) The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance

Findings:

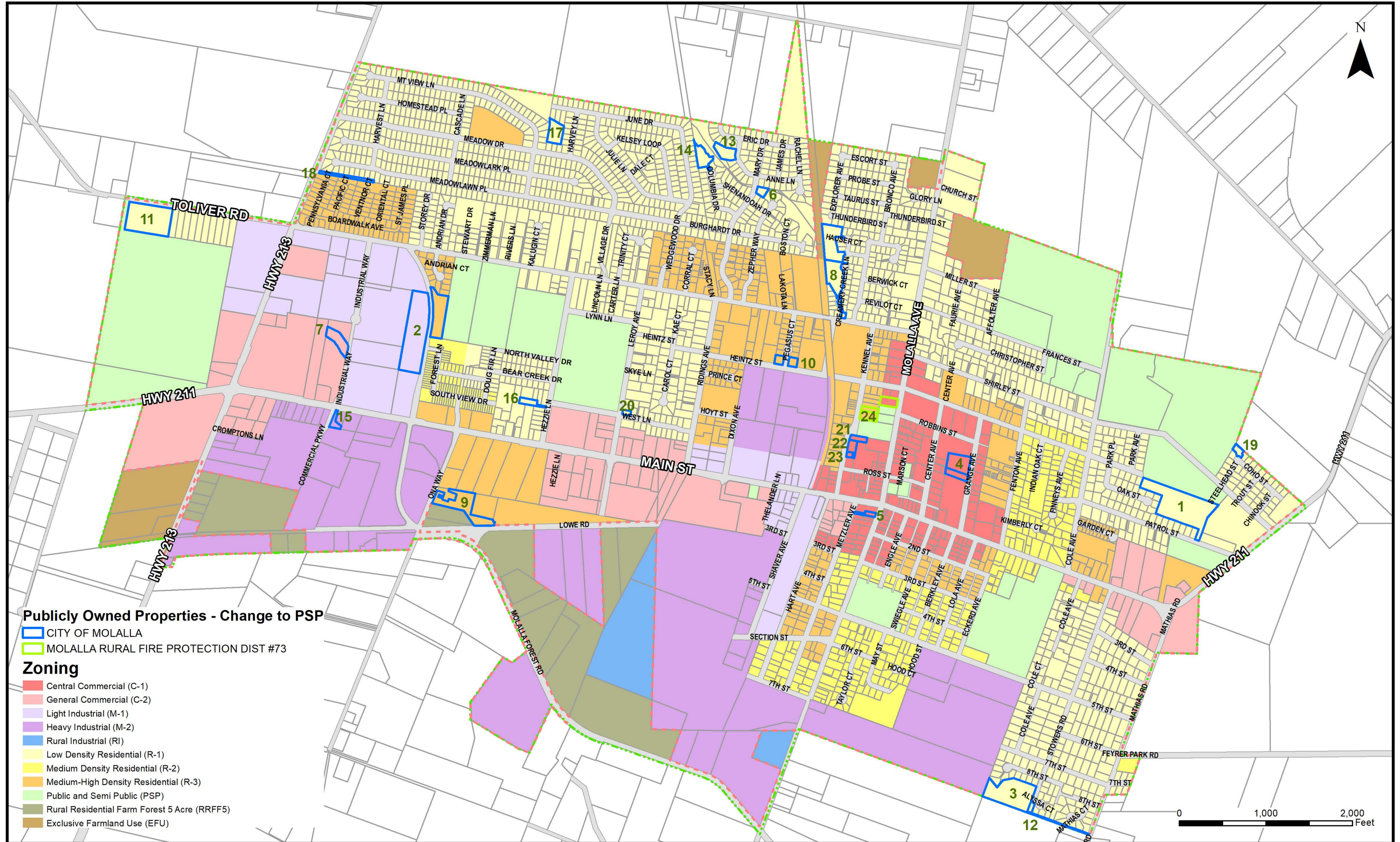
As shown in Exhibit C, most of the proposed changes bring the zoning map designation of existing, fully-developed parcels into conformance with comprehensive plan or zoning maps, and therefore will not result in on-ground changes to trip generation. The majority of these changes affect parcels that have been developed as parkland, open space, or existing public buildings.

Two exceptions are Items 4 and 24 from Exhibit C; the future site of the Molalla Police Station and vacant parcels adjacent to the Molalla Fire Department respectively. These parcels are both sited on roadways under the jurisdiction of the City of Molalla. The future Police Station is sited along Grange Ave and the Fire Department parcels are sited between N Molalla Ave and Kennel Ave. While public and institutional uses were not considered in the Transportation Systems Plan for these parcels, per Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition, maximum trip generation from public and institutional uses is lower than maximum trip generation from uses allowed under the current Central Commercial and Medium-High Density Residential zoning designations for these parcels.

Staff determines that no significant impact on the City's transportation systems will result from the proposed ordinance and that no further analysis is required. This criterion is met.

Parcels to Rezone to Public/Semi-Public

Exhibit B





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Proposed Properties to Apply the PSP – Public/Semi-Public Zoning Overlay

Map Number	Property Description	Current Zoning and Comp Plan Zoning	Taxlot Number(s)	Address	Owner	Acreage
1	Bolander Field	R-1 – Low Density Residential	52E09D 00311	NO SITUS	City of Molalla	5.59
2	Chief Yelkus Park	M-1 – Light Industrial	52E07A 01100 52E07AA03000	NO SITUS	City of Molalla	5.08 1.77
3	Ivor Davies Park	R-1 – Low Density Residential	52E16AC07200	NO SITUS	City of Molalla	3.66
4	Molalla Police Station Site	C-1 – Central Commercial	52E09CB00500 52E09CB00700	150 GRANGE AVE NO SITUS	City of Molalla	1.15 0.44
5	Odd Fellows Park	C-1 – Central Commercial	52E08DD00200	106 S MOLALLA AVE	City of Molalla	0.20
6	Strawberry Park	R-1 – Low Density Residential	52E05DD09000	811 MARY DR	City of Molalla	0.25
7	Bear Creek Corridor	C-2 – General Commercial	52E07A 01900	NO SITUS	City of Molalla	0.91
8	Creamery Creek Wetlands	R-1 – Low Density Residential	52E09BC01221 52E09BC01218 52E09BB08445	NO SITUS 605 CREAMERY CREEK NO SITUS	City of Molalla	1.50 0.19 1.83
9	Future Parkland off Ona Way	R-3 – Medium-High Density Residential	52E08C 01801	13235 S LOWE RD	City of Molalla	2.37
10	Pegasus Wetlands	R-3 – Medium-High Density Residential	52E08AA01700 52E08AA01800	500 PEGASUS CT 501 PEGASUS CT	City of Molalla	0.24 0.24

11	Wastewater Treatment Plant Adjacent Wetland	R-1 – Low Density Residential	52E07 04200	NO SITUS	City of Molalla	3.80
12	Alyssa CT Detention	R-1 – Low Density Residential	52E16AC07100	824 STOWERS RD	City of Molalla	0.14
13	Anne LN Detention	R-1 – Low Density Residential	52E05DD00376	NO SITUS	City of Molalla	0.74
14	Columbia DR Detention	R-1 – Low Density Residential	52E05DD04700	NO SITUS	City of Molalla	0.80
15	Commercial Ave Detention	M-2 – Heavy Industrial	52E07D 00600 52E07D 00701	NO SITUS	City of Molalla	0.26 0.05
16	Hezzie LN Detention	R-1 – Low Density Residential	52E08BC09550	NO SITUS	City of Molalla	0.35
17	June/Harvey Detention	R-1 – Low Density Residential	52E05CD12900	NO SITUS	City of Molalla	0.93
18	Meadowlawn PL Detention	R-1 – Low Density Residential	52E05CC08800	NO SITUS	City of Molalla	0.40
19	Molalla River Estates Detention	R-1 – Low Density Residential	52E09DA01000	901 COHO ST	City of Molalla	0.24
20	West LN Detention	R-1 – Low Density Residential	52E08AC08700	NO SITUS	City of Molalla	0.12
21	Civic Center Parking Lot	C-1 – Central Commercial	52E09CB07702	NO SITUS	City of Molalla	0.27
22	Molalla Skate Park	C-1 – Central Commercial	52E09CB07701	225 KENNEL AVE	City of Molalla	0.34
23	PAL Building/Warming Center	C-1 – Central Commercial	52E09CB07705	209 KENNEL AVE	City of Molalla	0.10
24	Molalla Fire Dept	C-1 – Central Commercial	52E09CB08600	414 N MOLALLA AVE	Molalla Fire District	0.46
24	Molalla Fire Dept	R-3 – Medium-High Density Residential	52E09CB09600 52E09CB09500	317 KENNEL AVE 321 KENNEL AVE	Molalla Fire District	0.46 0.23