



**Molalla Planning Commission
MINUTES
Molalla Adult Center
315 Kennel Ave., Molalla, OR
97038
December 4, 2019**

The December 4, 2019 meeting of the Molalla Planning Commission was called to order by Chair Rae Lynn Botsford at 6:30pm. This was followed by the flag salute and roll call.

COMMISSIONER ATTENDANCE:

Chair Rae Lynn Botsford – Present
Commissioner Steve Deller – Present
Commissioner Doug Eaglebear – Present
Commissioner Debbie Lumb – Absent
Commissioner Jennifer Satter – Absent
Commissioner Jacob Giberson – Present
Commissioner Connie Farrens - Absent

STAFF IN ATTENDANCE:

Alice Cannon, Planning Director – Present
Gerald Fisher, Public Works Director – Present
Dan Zinder, Associate Planner – Absent
Julie Larson, Planning Assistant – Present

PUBLIC COMMENT ON MATTERS NOT ON THE MEETING AGENDA:

No one offered public comment.

MINUTES:

Chair Botsford confirmed with the Planning Commissioners that they have received and reviewed the minutes for October 2, 2019. Chair Botsford calls for a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Eaglebear, a second was received by Commissioner Giberson. Motion passes 4-0.

Chair Botsford confirmed with the Planning Commissioners that they have received and reviewed the minutes for June 5, 2019. Chair Botsford calls for a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Eaglebear, a second was received by Commissioner Giberson. Motion passes 4-0.

PUBLIC HEARING:

- Consider a request to annex a 15.5-acre parcel at the southwest corner of OR-211/OR-213. If annexed the property would be zoned General Commercial (C-2), consistent with the Molalla Comprehensive Plan (AN01-2019).

Chair Botsford called the public hearing to order and read the hearing script into the record.

CITY STAFF REPORT:

Planning Director Cannon gave the staff report which can be found in the meeting packet. The staff report includes the applicable standards and criteria for annexation, an executive summary, and a recommendation from staff including exhibits. Exhibit A: application for land use action. Exhibit B: finding of facts. A letter from Ms. Hanson, a Clackamas County resident, was introduced and distributed to each Commissioner, as well as staff and applicant.

The property is located at the southwest corner of OR-211/OR-213 and located inside the Urban Growth Boundary. It is across from the most western shopping center area in Molalla. Director Cannon also mentioned that the city has also received an application for an apartment complex in the C2 zone on the southeast corner of OR-211/OR-213.

Planning Director Cannon explained that this annexation is a Type IV Legislative Hearing and not a Quasi-Judicial Hearing. The Planning Commission's role for the evening was to offer recommendation to City Council. Director Cannon stated that the zone change criteria has been discussed with the City Attorney. City Council is expected to meet on this matter January 8, 2020.

Planning Director Cannon presented the applicable standards and criteria to the Planning Commission and highlighted page 10 and 11 of the packet. Director Cannon explained that under Oregon Revised Statute 222.127, if the property is contiguous to the city (which it is), annexation does not require voter approval. This state law supersedes the City's charter, requiring voter approval of all property annexations. She continued with the zone change criteria and stated that city staff has found that annexing this piece of property into the C2 zone of the city is in the public interests according to the city's growth plan. Furthermore, the annexation request conforms with the Oregon Transportation Planning Rule in that it does not create significant impact on state highways. Director Cannon addressed inquiries made by Planning Commissioners prior to the meeting regarding the lack of ODOT comments on this annexation request. She explained that ODOT's response was that the property is exempt because the property is in conformance with the city's comprehensive plan and that the property has been previously modeled in the city's 2018 updated Transportation System Plan. Director Cannon also mentioned the Planning Commission's question regarding the properties farm deferral. She said she would let the applicant address that question.

Planning Director Cannon stated that City Staff is encouraging the Planning Commission to approve the annexation request to go forward to City Council.

PUBLIC COMMENT:

Applicant, Lyle Stratton, of Stratton Innovations LLC began his public comment by introducing the Graves family, the owners of the proposed annexation property. He also introduced Blake Ingram and Daniel Silvey of Knipe Realty. Mr. Stratton spoke of being born in Colton and living in Gladstone. Mr. Stratton and Mr. Graves who grew up in Molalla, care about the city and people living here. Mr. Stratton expressed that he feels the property is the best piece of developable property in Molalla. Potential development of the property could offer Molalla citizens new options and create more jobs.

Mr. Stratton continued by telling the Planning Commission that the property is currently under contract and the property purchase is subject to approval of the annexation and zone change. He said the current purchaser is also under contract on another industrial zoned property in the city. Mr. Stratton said he had anticipated a purchaser/developer being interested in mixed use but has heard that the purchaser/developer might be interested in "retail" only on the proposed annexation property.

Mr. Stratton then asked Matthew Graves to come forward to discuss and explain the current Farm Deferral on the property and what he had learned from the County. Mr. Graves explained that because the property has been zoned EFU (Exclusive Farm Use) by the County, the property qualified for a Farm Deferral, which is essence is a discount on the property owner's yearly property tax. Mr. Graves stated that the Deferral is set to expire in December of 2020 and that if it went out of deferral prior to that, the owner of the property would be responsible for repaying approximately \$6,500.00 to the County. He was not sure if the new owner would opt to end the deferral early and pay the penalty or continue it through 2020. In which case development could not start until after the deferral ended. Mr. Graves response on the Farm Deferral answered questions Planning Commissioners had posed prior to the meeting.

QUESTIONS FROM PLANNING COMMISSION:

Commissioner Giberson directed his question to Mr. Stratton, asking why he believed that the proposed annexed property is the best piece of developable land in Molalla?

Lyle Stratton responded because of Safeway and other development nearby. Mr. Graves included there is good flexibility in uses of C2 zones. He also reminded the Planning Commission that Molalla is number 2 in the state in population growth by percentage, just behind Happy Valley. Mr. Stratton took this opportunity to address Ms. Hanson's letter regarding sewer concerns. Mr. Stratton emphasized that this was a request to annex the property, not to develop it. Because of this, Mr. Stratton felt as though Ms. Hanson's concerns were premature. Mr. Stratton explained to the Planning Commission that it is impossible to determine capacity needs on the property without a master plan. He used an analogy of a three-hundred-unit apartment building use versus a Home Depot use on the site. A large apartment complex would require much more sewer capacity compared to a Home Depot with a few public restrooms. He concluded that if or when a site plan was presented to the City for development, it would be up to the City and whichever other jurisdictions to dictate the sewer needs, but that was not part of the conversation for the evening.

Chair Botsford asked if the percentage of growth between residential and commercial would be affected by the annexation?

Public Works Director Fischer answered that this piece of property had already been built into the city's Comprehensive Plan.

Commissioner Giberson expressed his concern over annexing more land and creating traffic issues. He also expressed concern of re-zoning and then ODOT not allowing for uses.

Public Works Director Fischer responded that the cities Master Plan looked at everything being built out and ODOT assumed during the Master Plan creation that everything being built is without UGB expansion.

Commissioner Giberson asked how ODOT determines the number?

Public Works Director Fischer responded highest and best use.

Commissioner Giberson stated that with development down the street from the proposed annexation, other commercial projects in the works there is a pressing concern of the city needing more C2 zoning.

Public Works Director Fischer stated that the city is insufficient in C2 zoning. It is however, well built out in residential and industrial. Director Fischer said that C2 zoning creates jobs. He went on to explain that 10,000 is the population number where business also begin to look at outside city limits population when considering doing business within cities.

Planning Director Cannon went on to discuss the Zoning Map included in the packet. She reiterated that the pink properties (General Commercial) are insufficient. And furthermore, the Comprehensive plan says in 10-20 years C2 zoning will be deficient. She explained that annexing and rezoning this property is attractive due to its location.

Chair Botsford closed the hearing.

Motion was made by Commissioner Giberson to approve a request to recommend annexation of a 15.5-acre parcel at the southwest corner of OR-211/OR-213 to Molalla City Council. If annexed the property would be zoned General Commercial (C-2), consistent with the Molalla Comprehensive Plan (AN01-2019). Second by Commissioner Deller. Motion passes 4-0.

DISCUSSION ITEMS:

ODOT/Cascade Center Intersection:

Chair Botsford stated that there is support from ODOT

Planning Director Cannon responded that ODOT is supportive of a Pedestrian Crossing but no signal. She also said that more development may trigger a signal.

Commissioner Eaglebear asked if the developer is still pre-wiring from signals?

Public Works Director Fischer responded no. He did mention that design is underway of the HWY 211/Molalla signal after ODOT determined a roundabout is not feasible for that intersection.

Fenton Street:

Public Works Director Fischer updated that the water/sewer contractor was terminated on Monday, December 2nd. An on-call contractor will be repairing damage and that paving should begin on Friday through the next week.

Commissioner Deller asked if the city is going after their bond?

Public Works Director Fischer responded that that is still in process and that there are sever liquid damages.

Tractor Supply:

Chair Botsford brought the Facebook post by Tootie Smith to the attention of the rest of the Planning Commission. Chair Botsford stated that Tootie Smith was lying and blaming government agencies, specifically the City.

Planning Director Cannon explained that the main item that is delaying opening is an access permit from ODOT. The City is still waiting on items from the developer.

Chair Botsford gave Planning Director Cannon accolades for making the developer do what they're supposed to do and not letting developers skirt around issues.

Hemp:

Planning Director Cannon updated the CHTC business that has been creating a nuisance by way of smell and noise in the City. She explained that an enforcement notice has been issued under the city's nuisance code. CHTC faces a \$500 per day fine for each violation. There is a hearing set for mid-February in Molalla Municipal Court. CHTC has hired an attorney.

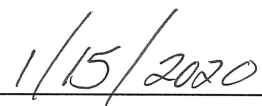
REPORTS AND ANNOUNCEMENTS:

There were no report or announcements.

ADJOURNMENT:

Motion was made by Chair Botsford to adjourn the meeting, 2nd received from Commissioner Eaglebear. Meeting was adjourned at 7:41pm.


Chair, Rae Lynn Botsford


Date

ATTEST: 
Alice Cannon, Planning Director