



Community Dev. & Planning
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Notice of Legislative Hearing

City Council Hearing: December 11, 2019 @ 7:00 P.M.

Location of Hearing: 315 Kennel Ave, Molalla, OR 97038

File No.: DCA01-2018

Case Type: Development Code Amendment

Proposal: Amend Molalla Municipal Development Code Section 17-4.3.030.A to change the procedure for processing partition applications from a Type III Planning Commission Public Hearing Procedure to a Type II Administrative Procedure, appealable to Planning Commission.

Summary of Proposed Amendments to Molalla Municipal Development Code:

1. Chapter 17-4.3.030 (A)

Chapter 17-4.3.030 (A) of Molalla Municipal Code currently outlines the procedure for processing partitions as follows:

- A. **Review of Preliminary Plat.** *Preliminary plats 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.*

The proposed amendment would revise the language of Chapter 17-4.3.030 (A) to the following:

- 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.*

2. Table 17-4.1.010

The proposed amendment would modify Row 14 of Table 17-4.1.010 of Molalla Municipal Code as follows:

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

Approvals*	Review Procedures	Applicable Regulations
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[Inapplicable table rows not shown]

Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II III	Chapter 17-4.3
Final Plat	Type I	Chapter 17-4.3

[Inapplicable table rows not shown]

Rationale for Proposed Changes:

City Staff recommends that partition applications be processed at the staff level, excepting situations where a staff decision is appealed during the public noticing process. Processing partition applications would allow for expediency of administration on smaller land divisions of three or less lots that are more limited in scope. Development from these partitions would still be required to adhere to the same development standards as subdivisions with more than three lots. The only difference is that decisions for partitions would reside with staff, subject to appeal to Planning Commission. When researching this amendment, City staff found that most neighboring cities and Clackamas County review partitions through a Type II procedure.

The proposal will be reviewed based on criteria set forth by the MDC section 17-4.6.030:

- 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;
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- 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; and
- D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing. Copies shall be provided at a reasonable cost upon request.

You may attend, offer testimony or seek information at the hearing. Any correspondence received in advance of the meeting will be forwarded to the City Council. Oral testimony may be offered during the hearing.

Written testimony will be received by the City of Molalla until the day of the hearing, and should be addressed or emailed to:

Alice Cannon
PO Box 248
Molalla OR, 97038
acannon@cityofmolalla.com

Note that email is preferred. Please ensure your name and address are included in the written testimony.