

**NOTICE OF LEGISLATIVE HEARING**  
**File Number: DCA05-2020**

NOTICE OF LEGISLATIVE HEARING: On January 27, 2021 at 7:00 pm, in the Molalla Adult Center located at 315 Kennel Ave, Molalla, OR 97038, the Molalla City Council will conduct a public legislative hearing to consider an amendment to the Molalla Municipal Code (MMC). If adopted the amendment would affect MMC 21.12 by renumbering and clarifying it. The proposed amendment is available for public review at City Hall. You may attend, offer testimony, or seek information at the hearing. Written testimony must contain your name and address, and if received in advance of the meeting will be forwarded to the hearing body. You may address written testimony to DCA05-2020, PO Box 248, Molalla OR, 97038, or by email to [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com).



## ORDINANCE NUMBER 2021-01

### AMENDING MOLALLA MUNICIPAL CODE SECTION 21.12 AND RENUMBERING TO MMC SECTION 17-4.9

**WHEREAS,** Change of Use and Occupancy is inherently a development related process; and

**WHEREAS,** Development related processes are most appropriately cabined in the Title 17 Development Code section of the Molalla Municipal Code (MC); and

**WHEREAS,** The MMC currently has the Change of Use and Occupancy provisions in the Title 21 Additional Regulations section of the MMC; and

**WHEREAS,** The language in the current Change of Use and Occupancy provisions is ambiguous; and

**WHEREAS,** The Molalla Planning Commission recommended adoption of this ordinance; and

**WHEREAS,** Ambiguous language in the MMC should be clarified to ensure accessibility.

#### **Now, Therefore, the City of Molalla Ordains as follows:**

**Section 1.** Molalla Municipal Code (MMC) Section 21.12 is hereby amended and renumbered in accordance with Exhibit "A."

**Section 4. Effective Date.** The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this 27th day of January, 2021.

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Mayor Scott Keyser

ATTEST:

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Christie DeSantis, City Recorder

# Exhibit A

## Ordinance 2021-01

### **TEXT OF PROPOSED CHANGE:**

*Current code language is in black font, proposed additions are in red font, proposed deletions have been lined out*

### **Chapter ~~21.12~~ **17-4.9 CHANGE OF USE OR OCCUPANCY****

#### **17-4.9.010 ~~21.12.010~~ Change of use Requirements.**

- A. Any change of use **or occupancy** that differs from the existing or previous use **or occupancy** is required to **submit a zoning checklist pursuant to MMC section 17-4.1.020.** ~~go through a change of use.~~
- B. ~~The Planning Director shall, at a minimum, review the parking requirements for all changes of use.~~
- C. If the Planning Director deems the change of use **or occupancy** to be a change from the previous **or existing** use **or occupancy**, the use shall go through a **site** design review, as applicable, ~~procedure~~ pursuant to Chapter **17-4.2.020.** ~~19.08.~~
- D. ~~The Building Official shall also review the change of use through the building permit process. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

#### **17-4.9.020 ~~21.12.020~~ Permitting process.**

- A. A person proposing a change of use **or occupancy** shall submit **a zoning checklist** ~~an application~~ to the Planning Director.
- B. The Planning Director shall **confer with the appropriate City Departments, County Departments, Special Districts, and State Agencies.** ~~circulate the application to the Public Works Director and other City agencies as appropriate.~~
- C. Upon conference with the appropriate entities, the Planning Director shall **approve the change, deny the change, or prescribe the required processes to gain approval.** (Ord. 2010-15 §1; Ord. 2010-04 §1)

#### **~~21.12.300 Fee.~~**

~~A change of occupancy shall be subject to a fee as set by City Council resolution. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~