

## Development Code Amendment Proposal

### *Processing Partitions as Type II Decisions*

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<b>File No.:</b>	DCA01-2019
<b>Proposal:</b>	Amend Molalla Municipal Development Code to change the procedure for processing partition applications from a Type III Procedure to a Type II Procedure.
<b>Procedure:</b>	The proposed amendment will be processed as a Type III procedure in accordance with Molalla Municipal Code. The amendment will be posted for public comment on the City's website on August 29, 2019. It will be brought before the Planning Commission on October 2, 2019 and City Council on October 30, 2019. If City Council approves this amendment, the decision becomes final November 29, 2019.

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#### **SUMMARY OF PROPOSED CHANGES:**

##### **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 <b>II III</b>	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, in and of themselves, have a reduced impact on land use and are limited in scope. Development from these partitions would still be required to adhere to the same development standards as larger subdivisions. The only difference is that decisions for partitions would reside with staff, subject to appeal to Planning Commission.

When researching this amendment, staff found that most neighboring cities and Clackamas County review partitions through a Type II procedure.

**CRITERIA FOR REVIEW:**

Amendments to the Development Code shall be in conformance with the following criteria found in Molalla Municipal Code (MMC) Section 17-4.6.030:

- A. If the proposal involves an amendment Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;***

**Staff Analysis:**

This is not applicable since the proposal does not include an amendment to the Comprehensive Plan.

- B. The proposal must be consistent with the Comprehensive Plan***

**Staff Analysis:**

**Comprehensive Plan Goal Analysis:**

***Goal 1: Citizen Involvement***

*The applicable Comprehensive Plan Citizen Involvement goal is:*

5. *The City shall provide for a wide range of public involvement in City planning programs and processes. The City should:*
- 5.1. *Provide user-friendly information to assist the public in participating in City planning programs and processes, including available sources of media ranging from television (when available and free), radio (when available and free), Internet, newspapers, mailings, and meetings to provide for the highest involvement from citizens.*
  - 5.2. *Provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions are made.*
  - 5.3. *Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes.*
  - 5.4. *Provide data to interested citizens in non-technical and understandable terms.*
  - 5.5. *Adopt procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.*
  - 5.6. *Provide data in a manner that is simple enough to give the public an opportunity to understand the issues. This includes technical data submitted by other parties.*

**Staff Analysis:**

The proposed amendment is consistent/neutral towards this goal. As a Type II decision, partitions will remain subject to public notice procedures for partitions and appealed projects will still be subject to Planning Commission review.

***Goal 2: Land Use Planning –***

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Staff Analysis:**

The proposed amendment will not change the policies or land use regulations for land partitions. The proposal will also not substantially change the decision-making process. Several nearby peer cities process land partitions using a Type II procedure.

***Goal 14: Urbanization –***

*To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Staff Analysis:**

Using a Type II procedure for more minor land division requests allows more for efficient development within the existing city limits. Through efficient administration of partitions, the City enhances the goal of encouraging development in areas already served by major public facilities.

Other goals within the Comprehensive Plan are found to be inapplicable.

- 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*

**Staff Analysis:**

City Staff looked at the development code and processes in the neighboring cities of Woodburn, Canby, Silverton, Oregon City and Clackamas County; and found the proposed change to be consistent with most of these jurisdictions. The City of Canby requires Planning Commission approval of partitions. All other jurisdictions review partitions of three or fewer lots to be handled administratively, with appeals to Planning Commission, if needed. Process consistency with nearby cities seems to be in the public interest, considering it is more efficient, saving the valuable time of the Planning Commission for land divisions larger than three lots.

- D. The amendment must conform to Section 17-4.6.050 "Transportation Planning Rule Compliance" to find whether the proposed amendment would have a significant effect on a transportation authority*

**Staff Analysis:**

The proposed amendment will not have any direct effect on transportation facilities. If the amendment is approved, both the City and State Department of Transportation (ODOT) will still have an opportunity to review and comment on all partition requests, if processed using a Type II procedure.