



Community Dev. & Planning

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Staff Report – Application to Re-Zone Property

File No.: P44-2014

Legal Description: Township 5 South, Range 2 East, Section 07 AA, Tax Lot 2700 & 2800

Address: 1118 Toliver Rd.

Applicant: Frank Walker & Associates

Owner: Donald R. Itschner Trust

Proposal: Amend the comprehensive plan map, and re-zone the property from R-1 Low Density Residential to R-3 High Density Residential

Current Use: One single-family residence, one shop building

1. Overview & Background

Application P44-2014 proposes to re-zone two adjacent and abutting properties from R-1 low density residential to R-3 high density residential. The intention is to consolidate the two properties into one and develop the parcel with high-density housing concurrent with allowable residential standards pursuant to subsection 17.08.020 of the Molalla Development Code (MDC).

2. Public Notice

Notice was sent December 4, 2014 to all landowners within 500 feet of the parcels, as well as Oregon DLCD pursuant to requirements outlined in Title 19 of the MDC. . Notice was placed in the Molalla Pioneer under general public notices, and has three run dates prior to the hearing. Notice was placed on the City of Molalla Website on December 4, 2014 under the URL as follows:

<http://www.cityofmolalla.com/planning/page/public-notices>. No public comments have been received as of the writing of this staff report.

3. Attachments & Exhibits

Exhibit 1. *Molalla Riparian Inventory*, Pacific Habitat Services, 2001

Exhibit 2. *City of Molalla residential Land Needs Report*, Winterbrook Planning, 2009

Exhibit 3. Copy of Notice sent to DLCD, interested parties and local landowners

Exhibit 4. Molalla Comprehensive Plan, Volume I, Amended 2014

4. Findings & Conclusions

The application has been reviewed under the requirements set forth by the MDC in subsection 19.28.030:

- i. Approval of the request is consistent with the Statewide Planning Goals; below are the applicable goals to this proposal.
 - a. GOAL 1 – CITIZEN INVOLVEMENT OAR 660-015-000(1) *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*
 - i. **Staff findings:** Notification for this proposal has been adequate. Posting of the public hearing on the City of Molalla website and in the local newspaper (with three run dates). Notice has been mailed to all local landowners within 500 feet, any interested parties and Oregon DLCD.
 - b. GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-015-0000(5) *To conserve open space and protect natural and scenic resources.*
 - i. **Staff findings:** Open space requirements will be upheld as per the Molalla Development Code. It is proposed that existing vegetation will be preserved to the maximum extent possible, especially larger more established trees. A riparian margin will be developed to address the potentially jurisdictional wetland on the property (reference Exhibit 1). If the area is improved, loss of the wetland will be mitigated pursuant to Federal Law.
 - c. GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) *To maintain and improve the quality of the air, water and land resources of the state.*
 - i. **Staff findings:** The proposed zoning change would allow a higher density of residents, which would decrease the per-capita footprint of local development. There may be a higher proportion of residents who would use pedestrian or alternative transportation facilities, which may improve local air quality. Utilization of public sewer and the appropriate waste disposal facilities on-site will minimize impact on land quality. The riparian margin will assist in the protection of local waterways.
 - d. Goal 7 – AREAS SUBJECT TO NATURAL HAZARDS OAR 660-015-0000(7) *To protect life and property from natural disasters.*
 - i. **Staff findings:** The subject property, if allowed to develop at a higher density, would not change the risk to residents as the current risk is minimal. The subject property has adequate access for emergency response vehicles. The main concern is flooding on this property with a creek tributary traveling through the southern portion of the lots. Wide creek channels and established vegetation ensure flooding issues are mitigated to the highest degree. No hazardous materials would be stored on-site as a result of this proposal.
 - e. Goal 9 – ECONOMIC DEVELOPMENT OAR 660-015-0000(9) *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.*

- i. **Staff findings:** High density development, as opposed to single-family residential, often entails long-term employment of managers and groundskeepers which can offer opportunities for the City. Other than construction and maintenance, no other economic benefits are offered by this zone-change.
- f. Goal 10 – HOUSING OAR 660-015-0000(10) *To provide for the housing needs of citizens of the state.*
 - i. **Staff findings:** The applicant has demonstrated evidence of demand for high-density housing in the City, as referenced in a 2009 Residential Lands Need Report (Exhibit 2) performed by Winterbrook Planning. The report, which studies the 20-year horizon for residential development opportunities, mentions that a ‘broader range of housing’ will be demanded by a changing demographic of residents. It cites increased employment opportunities, young commuting households and a growing Hispanic community as likely catalysts to this trend. Furthermore, the applicant has interviewed local property managers of apartment-type housing and confirmed a high demand for this type of housing, with waiting lists and a very low vacancy rate.
- g. Goal 13 – ENERGY CONSERVATION OAR 660-015-0000(13) *To provide and encourage a safe, convenient and economic transportation system.*
 - i. **Staff findings:** The subject property if developed with higher density residential dwellings would allow children to walk to school without crossing Highway 211, a major obstacle. This may lead to a lowering of average daily vehicle miles travelled by residents of this property.

The Planning Staff finds that this application is consistent with Oregon Statewide Planning Goals, and satisfies all applicable requirements.

- ii. Approval of the request is consistent with the Comprehensive Plan (see exhibit 4); below are the applicable sections of the Comprehensive Plan. The Molalla Comprehensive Plan is based on the Oregon Statewide planning Goals, thus many of the requirements exist in both documents. For this reason, Staff will discuss only the most pertinent portions of the Comprehensive Plan for this proposal.
 - a. Page 17, Water Resources Policies, number 5 states, “Provide for residential density transfer from protected water resource areas to adjacent buildable land.”
 - i. **Staff findings:** Planning staff interprets this policy to determine that when protected water resources remove buildable lands from a parcel due to riparian restrictions, adjacent buildable land will be allowed to develop at a higher density. The subject parcel meets this criteria for protected water resources as well as available adjacent lands.
 - b. Page 23, Natural Hazard Policies, number 1 states, “[...] Lowering density requirements and intensity of development from what the land is designated shall be considered appropriate limitation on a use in a natural disaster and hazard area.”
 - i. **Staff findings:** The subject parcel is not within a 100-year floodplain, and thus not considered within a natural hazard area per the Comprehensive Plan. No lowering of density should be considered on this property due to hazard concerns.

- c. Page 28, Park and Recreation Policies, number 12 states, “[...] dwelling units should be within reasonable distance of the outdoor facilities of a school or a park.”
 - i. **Staff findings:** With the proposed zone change, a higher density of dwelling units would be within a 10-minute walk (or less) to two outdoor school facilities.
- d. Page 47, Housing Policies, number 14 states, “In order to minimize the adverse impacts of higher density housing on adjacent properties, The City shall establish clear standards for: [...] Buffering by means of landscaping, fencing or distance from conflicting uses; [...] On site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenient shopping; [...].”
 - i. **Staff findings:** Due to the proximity of the subject property to industrial zones to the West a type of natural buffer can be explored through the design process to mitigate any conflict. On-site recreation opportunities can be explored in the development process as a route to complying with park service requirements. As stated before, proximity to schools also endorses this site as a high-density candidate.
- e. Page 48, Housing Policies, number 21 states, “Encourage the construction and development of diverse housing types, while maintaining a general balance according to housing type and geographic distribution, now and in the future.”
 - i. **Staff findings:** The geographic distribution of high-density housing is clustered near the downtown core of Molalla with the exception of a mostly vacant mobile home park off of Toliver near the subject property. While higher density housing is often clustered near the downtown core in order to create a progression towards the UGB, this site is a strong candidate for high-density development. Staff recommends a greater distribution of high-density housing in order to diversify housing opportunities in various parts of the city.
- f. Page 71, Energy Conservation Policies, number 6 states, “The City may use the following or similar implementation methods to encourage achievement of the energy goal: [...] reduced lots sizes and increased housing density.”
 - i. **Staff findings:** The proposed development on this site would meet this description of increased housing density.
- g. Page 72, Energy Conservation Policies, number 10 states, “Provide for higher density, encourage more common wall residential development types as an alternative to single family detached housing.”
 - i. **Staff findings:** The proposed development on this site would meet this description of increased housing density.

The Planning Staff finds that this application is consistent with the Molalla Comprehensive Plan (amended 2014), and satisfies all applicable requirements.

- iii. Approval of the request is contingent upon: The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.
 - a. **Staff findings:** The public utilities existing in Toliver Road are highly adequate to accommodate a higher density of development on the parcel. The entirety of the proposed development would have frontage along Toliver Road, and thus direct access to those public utilities. Toliver Road contains:
 - i. Storm-water facilities including inlets and curb drainage.

- ii. Sanitary sewer main with enough capacity to handle increased load.
- iii. Domestic water main

The transportation network along Toliver Road has the capacity to handle maximum build-out of the property. Street improvements would be required to address safety and quality concerns along Toliver and Molalla Forest Road. Improvements in the near future to the intersection at Toliver Rd. and Highway 213 would improve upon the safety of access to the property.

The Planning Staff finds that this criterion can be met.

- iv. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.
 - a. **Staff findings:** It is staff's opinion that this change of zoning is in the public interest due to the opportunities it creates for housing diversity, the proximity to existing prominent destinations (primarily schools), the long-term employment opportunities created, visual improvement and net economic growth. The applicant has provided supplemental information about housing demand in Molalla, and has interviewed local apartment managers to determine their vacancy rates. The results have shown that vacancy rates are extremely low for a small city such as Molalla. With the lack of buildable high-density zoned land this proposal is responding to market pressures.

The Planning Staff finds that this criterion can be met.

- v. The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules. (Ord. 2010-15 §1; Ord. 2010-04 §1)
 - a. **Staff findings:** The proposal and process related to administering the application meet all applicable Oregon DLCD administrative rules.

The Planning Staff finds that this criterion can be met.

5. Recommendation

Based upon the findings in this report, the City Planning Staff recommends the Planning Commission take the following actions:

- i. Approve planning permit P44-2014 to re-zone the aforementioned property from R-1 residential to R-3 residential.