



**Molalla Planning Commission  
MINUTES Molalla Adult  
Center  
315 Kennel Ave., Molalla, OR  
97038  
March 4, 2020**

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The March 4, 2020 meeting of the Molalla Planning Commission was called to order by Chair Rae Lynn Botsford at 6:35pm. 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 – Present  
Commissioner Jennifer Satter – Present  
Commissioner Jacob Giberson – Absent  
Commissioner Connie Farrens - Present

**STAFF IN ATTENDANCE:**

Alice Cannon, Planning Director – Present  
Gerald Fisher, PW Director - Present  
Dan Zinder, Associate Planner - 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 January 15, 2020 Chair Botsford called for a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Farrens, a second was received by Commissioner Lumb. Motion passes 6-0.

**PUBLIC HEARING:**

- Consideration of a Site Design Review application for a 36-unit apartment complex called Colima Apartments (DRW04-2019).

**Chair Botsford** called the public hearing to order and read the hearing script into the record. Commissioner Deller recused himself from the hearing citing his ongoing working relationship with the applicant's consultant – AKS -- on various projects in his professional life. Commissioner Farrens inquired about a conflict she may have due to her prior participation on a board of one of the opponents of this project. Planning Director Cannon asked it if would influence her decision? Commissioner Farrens answered no.

#### **CITY STAFF REPORT:**

**Associate Planner Zinder** gave the staff report which can be found in the meeting packet. The staff report includes the applicable standards and criteria, executive summary and a recommendation from staff including conditions and exhibits. Exhibit A: CU04-2019 Application Package (including application, narrative, and property legal description); Exhibit B: Findings of Fact; Exhibit C: Oregon Department of Transportation Comments; Exhibit D: Molalla Public Works Comments; Exhibit E: Molalla Fire Department Comments; Exhibit F: Public Comment from Mr. Terry Burley and Mr. Randy Burley; Exhibit G: Public Comment from Mr. Gary Sause and Mrs. Sandra Sause. A letter from Susan Hanson, a Clackamas County resident, was introduced and distributed to each Commissioner, as well as staff.

**Associate Planner Zinder** introduced the proposed site design review application as a 36-unit apartment complex located in the Southwestern area of Molalla. Located off OR-213, a short distance south of the southeast corner of OR-213/OR-211. The proposed site is also zoned C-2 (General Commercial). Associate Planner Zinder explained that the application was deemed complete November 11, 2019 and that the application complies with all the applicable provisions of the underlying zoning district and all the Development and Design Standards of Division II. He further explained that the city required an amendment to the submitted Transportation Impact Study (TIS) which found that the development is 42 PM trips short which does not warrant a signal at OR-211/Leroy. Associate Planner Zinder went on to highlight a few conditions of approval. The first issue addressed in the conditions is access. The condition included in the staff report requires pedestrian access (sidewalks) between OR-213 and the proposed development and ADA ramps for future access to OR- 213. The second issue addressed in the conditions are left turn warrants into the development for southbound traffic on OR-213. The staff report includes a condition requiring a left-hand turn lane off OR-213 and will be addressed during building permit plan review. The third issue addressed in the conditions is street lighting. The condition requires the applicant to address the need for future street lighting on OR-213.

**Associate Planner Zinder** stated that City Staff is encouraging the Planning Commission to approve the Site Design Review (DRW04-2019) subject to conditions of approval found in the staff report.

#### **ADDITIONAL COMMENTS BY STAFF:**

**Public Works Director Fisher** addressed the letter submitted by Clackamas County resident Susan Hanson regarding sewage capacity. Fisher stated that prior to approving a building permit for the project, the City to complete a Certificate of Sewage Capacity for the review and approval of the Department of Environmental Quality (DEQ).

**Planning Director Cannon** addressed the noise issue brought forth the testimony from Mr. Gary and Ms. Sandra Sause, property owners to the south of the site. Cannon explained she had spoken with the Sause's via telephone earlier in the day and that their larger concern is that the on-site zoning, which allows the construction of multi-family development, creates an incompatibility for their business located on Heavy Industrial property. Cannon reminded the Commissioners that this is a Site Design Review and not a Conditional Use Permit application. Planning Director Cannon noted that the Sause's are likely to appeal the decision to City Council. She suggested some ideas on what the applicant could do to address the Sause's noise concerns. These suggestions included a condition requiring the applicant to install extra noise insulation in the new apartment units. The second idea was to provide a disclosure to new residents about the industrial properties to the south and potential noise impacts.

#### **QUESTIONS FROM PLANNING COMMISSION:**

**Commissioner Farrens** asked for clarification on the pedestrian sidewalk from the southeast corner of HWY 213 to proposed apartment. She was curious why it ends at where the apartments begin.

**Associate Planner Zinder** clarified the sidewalk would run from Blackman's (Southeast Corner of OR-213/OR-211) past the front of the development.

**Planning Director Cannon** introduced the applicant AKS to speak and at the same time introduced Clackamas County resident Susan Hanson's letter into record.

**AKS Representative Chris Goodell** addressed the concern Ms. Hanson raised in her letter about the development not being near parks. Mr. Goodell explained that the proposed apartment complex is not near a park and pointed out that is not a condition for approval. He said that the proposed development does comply with the open green space criteria and explained that there was more than enough green space within the design. Mr. Goodell went on to discuss the noise and zoning compatibility concern brought forth by the Sause's. He explained that the project cannot be denied because of zoning incompatibility. Mr. Goodell said the applicant plans to be a good neighbor and that there is 300' of separation between the Sause's property and the first proposed building site.

**Commissioner Botsford** asked if Commissioners had questions?

**Commissioner Eaglebear** thanked AKS for a well put together application. He commented that the site location, from a livability standpoint, seems secluded. He was concerned about the lack of pedestrian access for families and the school children. He asked for clarification if AKS was the developer of the consultant?

**AKS Representative Chris Goodell** answered that they were hired by the owners as consultants to put together the application. Chris explained that the applicants bought the property to develop it and they feel as though the site is a good location and the zoning is appropriate.

**Architect Doug Socasta** added that with the recently annexed 15 acres C2 parcel across the street adding a residential component such as an apartment complex, he feels, is a good mix.

**Commissioner Eaglebear** then addressed the school bus stop. He wanted to know where the school bus access point would be.

**Public Works Director Fischer** commented that the school district would be the ones planning the school bus pick up/drop off routes. He added that not knowing who would be moving into the complex, whether its individuals or families, makes it a difficult question to answer. Director Fischer said that when families move into the complex, they would contact the school district and the district would be the ones to figure it out.

**Commissioner Farrens** inquired about the added capacity of the schools and if the schools had enough room for new students?

**Public Works Director Fischer** responded that that is not a condition for approval.

**Planning Director Cannon** added that the school district would be responsible for the planning around that as a district.



**AKS Representative Chris Goodell** also added that the districts do regular planning for development and school capacity.

**Commissioner Lumb** asked if during the planning of this proposed development if a playground had been discussed for the children in the development.

**AKS Representative Chris Goodell** explained that there are wide open green spaces with benches throughout the proposed complex and that the developers felt that was appropriate for this market.

**Chair Botsford** then introduced a public comment request form.

**Mr. Frederick Ward**, a real estate agent from John L. Scott introduced himself as a representative for the Burley's who also sent a letter of opposition to the proposed project. Mr. Ward came with a question regarding the Burley's 32' access easement along Crompton lane to their property. The concern is that their easement is being restricted to 23' which is not the 32' unobstructed allowed.

**AKS Representative Chris Goodell** asked everyone to look at Sheet P2 from the land use plan that shows the strip of land in question (page 61 of the packet). He explained that currently it is a gravel driveway, varying width with a bunch of utility poles, a shed and a well. The proposed plan widens access and provides an asphalt surface. He added there is nothing that precludes anyone from passing through the easement. That it is a non-exclusive, private easement and if the Burley's wanted to widen it they can.

**Civil Engineer John Rogerson** added that currently there is a 15' gravel driveway and that there are utilities in the easement serving the property to the South and a well house that serves the Northeast and Southern properties. The proposed plan widens the access to a 20' asphalt access and the reason it isn't wider is because of the existing utilities and well. He also added that as Chris mentioned, there is nothing precluding the Burleys to widen the access is they so desire.

**Chair Botsford** asked if there were any rebuttals. None were received.

**Chair Botsford** closed then public testimony hearing.

**Chair Botsford** read the script and offered the applicant the option of waiving the 7-day period prior to a decision.

**AKS Representative Chris Goodell** waived the 7-day period.

#### **PLANNING COMMISSION DISCUSSION:**

**Commissioner Satter** began by stating that although she agrees with the community concern, it is not a condition of approval at this point. She suggested that at a separate time we look at our zoning and land use.

**Chair Botsford** concurred that they are all valid concerns but reiterated it is not a condition of approval. She did make a point of noting that because of the existing industrial business to the South, she did not feel as though this location is best fit for an apartment complex. Chair Botsford followed up her comment by asking if there is better insulation that can be added to the



development to detour the noise? She did go on to say that it is a nice-looking development and it is in a good location as far as accessibility to stores and restaurants.

**Commissioner Satter** again express concerned with incompatible zoning next to each other and again pointed out that it is a land use and code problem that needs to be addressed in the future.

**Chair Botsford** added that the applicant is in their full legal right to do with their property as they want to do.

**Chair Botsford** suggested approval to City Council with a request to applicant to voluntarily mitigate noise pollution.

**Commissioner Eaglebear** made a motion to approve the site design review based on the exhibits and staff report, with the conditions of approval provided by the City and a note requesting the applicant voluntarily mitigate noise pollution. Commissioner Satter seconded it. Motion passes 3-1 with two votes abstained.

**PLANNING COMMISSION WORK SESSION:**

**Work Session on Draft Standards for New Industrial Hemp Processing businesses**

**Planning Director Cannon** discussed with the Planning Commission draft standards she is working on regarding new industrial hemp processing businesses.

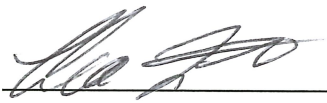
**REPORTS AND ANNOUNCEMENTS:**

**Public Works Director Fischer** shared his report that he provides to Council at the end of the last meeting each month. Moving forward he will share the same report with the Planning Commission.

**Public Works Director Fischer** also shared with the Planning Commission that public works has moved into

**ADJOURNMENT:**

Motion was made by Chair Botsford to adjourn the meeting, 2<sup>nd</sup> received from Commissioner Satter. Meeting was adjourned at 8:58pm.

  
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Chair, Rae Lynn Botsford

  
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Date

ATTEST:   
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Dan Huff, City Manager