



Planning & Community Dev.
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Findings & Decision – Proposed Comprehensive Plan Amendment & Zone Change

File No.: P29-2018

Parcel or Taxlot: 52E09CD01406

Address: 31176 S Hwy 213, Molalla, 97038

Applicant: Hix Snedeker Development, LLC

Owner: HSC Molalla, LLC (Lindsay Gadd)

Proposal: A consolidated application including the following requests:

1. Comprehensive Plan Map Amendment from “Light Industrial” to “General Commercial”
2. A Quasi-Judicial Zone Change from M-1 (Light Industrial) to C-2 (General Commercial)

Current Use: Legal Non-Conforming Residence

1. Overview & Background

Planning & Land Use Application P29-2018 proposes a re-zone and comprehensive map amendment located at 31176 S Hwy 213 in the City of Molalla. This application is submitted concurrently with a proposed development. The subject parcel is 8.75 +/- acres in size, and adequate infrastructure exists nearby to facilitate the proposed development. The parcel currently contains two buildings, and four accessory structures. The property currently zone light Industrial zone and the property abuts General Commercial retail stores to the South and the Northern parcel abuts an Industrial zone. The access to the parcel will be located off Hwy. 213. The proposed zone change/comprehensive plan amendment will affect only parcel 1.

2. Public Notice

- Notice was sent May 16, 2018 to all landowners within 300 feet of the parcel.

- Notice was placed on the City of Molalla Website on May 23, 2018 under the general news feed.
- Notice was sent to Oregon Department of State Lands (DLCD) on May 5, 2018.

3. Attachments & Exhibits

Exhibit A: ODOT Recommendations

Exhibit B: Public Works Conditions

Exhibit C: Molalla Local Wetland Inventory, Pacific Habitat Services, 2001

Exhibit D: Letter of Concurrence from Department of State Lands

Exhibit E: Current City of Molalla Zoning Map

Exhibit F: City of Molalla Comprehensive Plan

Exhibit G: 2009 Winterbrook Employment Land Needs Analysis

Exhibit H: Applicants Compliance Narrative

Exhibit I: Updated ODOT Recommendations

4. Party Status & Public Comments:

- Trey Jinright representing on behalf of the applicant JADE Consulting, LLC/Hix Snedeker Companies.

5. Procedural Findings:

The application will be reviewed based on criteria set forth by the Molalla Municipal Code, section **17-4.6.030 Amendments to Zone Map or Code Criteria** —Approval criteria (in bold and italics), and Staff findings, are as follow:

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;

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. **Findings:** Notification for this proposal has been adequate. Posting of the public hearing on the City of Molalla website and in the local newspaper. Notice has been mailed to all local landowners within 350 feet, any interested parties and Oregon Department of State Lands (DLCD).
- b. Goal 3: AGRICULTURAL LANDS OAR 660-015-0000(3)
 - i. **Findings:** The application does not have significant adverse effect on the agricultural lands. The proposed zone change is concurrently being reviewed with a commercial development. This proposed development, Tractor Supply Co., will support the surrounding agricultural and farming communities within Clackamas County. Agricultural farms such as nurseries and tree farms are abundant near the City of Molalla.
- c. 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. **Findings:** Open space requirements will be upheld as per the Molalla Development Code. The proposed development incorporates many natural elements in the design and the landscape design. As shown on the local wetland inventory (See exhibit C) a designated wetland exists on the property. In (Exhibit E) the applicant has attained the conditioned letter of concurrence from the Department of State Lands (DLCD). Any wetland mitigation will require a removal-fill permit pursuant to (DLCD).
- d. 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. **Findings:** The proposed zoning change would increase the quality of air, water and land resources from its current zoning. Light Industrials Zones are subject to uses that tend impact the surrounding environments. A General Commercial use would reduce those impacts. In addition noise pollution would likely decrease; which the manufactured home park located north of the property would benefit. The run-off water of the proposed development shall be mitigated pursuant to the City's Public Works Standards. 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/wetlands.
- e. Goal 7 – AREAS SUBJECT TO NATURAL HAZARDS OAR 660-015-0000(7) *To protect life and property from natural disasters.*
 - i. **Findings:** The subject property, when developed with a commercial use, 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 parcel. Wide creek channels and established vegetation ensure flooding issues are mitigated to the highest degree. Hazardous on-site materials would be discouraged and only be viable through safe storage.

- f. 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. **Findings:** The zone change would allow a commercial use on the property. A commercial property brings in a higher amount of taxes than most other zones/uses. The result of commercial development would alleviate the amount homeowners have to contribute to the City’s budget. The proposed development, Tractor Supply Co., will allow local farmers to help sustain their local farms business with readily available resources. In addition Highway 213 does contain the appropriate public facilities to support this proposed development.
 - ii. Referencing the Employment Needs Analysis done in 2009 by Winterbrook Planning (Exhibit G). In the analysis it states the employment percent needs from 2010-2030 for commercial will be 68% compared to 32% for Industrial. It also states the current acreage supply for commercial is 52 compared to 160 for industrial. The data shows there is an abundance of industrial land and the projected employment will be lower than commercial. The zone change would allow an increase in the general commercial inventory and begin to accommodate the predicted growth of commercial employment.
- g. Goal 13 – ENERGY CONSERVATION OAR 660-015-0000(13) *To provide and encourage a safe, convenient and economic transportation system.*
 - i. **Findings:** The parcel abuts Highway 213, which under the state’s jurisdiction. With the proposed development Oregon Department of Transportation has reviewed and recommended conditions that will provide pedestrian and vehicles safety. Additional energy conservation will be implemented in Land Use Review.

B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

- i. 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 8 states, “Development projects that may have an impact on natural resources areas as identified on the Local Wetland Inventory may shall be review by the Division of State Lands (DSL) for possible mitigation.
 - i. **Findings:** Planning staff did require the applicant to attain a concurrence letter from DSL. Any possible mitigation the applicant proposes shall go through DSL to insure the natural wild corridors and natural vegetation are maintained. The subject parcel meets this criteria for protected water resources as well as available adjacent lands.
 - b. Page 23, Natural Hazard Policies, number 4 states, “Limited development may be permitted on land within the 100-year floodplain, consistent with the City’s floodplain regulations.”

- i. **Findings:** The subject parcel is not within a 100-year floodplain, and thus not considered within a natural hazard area per the Comprehensive Plan. The area is designated a minimal flood hazard based on the Federal Emergency Management Agency (FEMA) flood map.
- c. Page 32, Economic Development Policies, number 11 states, “The City shall encourage commercial and industrial development. More jobs can be created causing less reliance on the automobile for travel away from the City. “
 - i. **Findings:** The proposed development would increase the jobs in the City and would expand its inventory of community services available to the residents. This subject parcel meets this criteria.
- d. Page 33, Economic Development Policies, number 19 states, “The City shall encourage businesses that support the recreation concept and encourage all businesses to provide a choice of goods and services to the community.”
 - i. **Findings:** The proposed development would increase its services to the community. This criteria has been met.
- e. Page 71, Energy Conservation Policies, number 13 states, “Land use planning shall encourage the efficient use and re-use of buildable lands within the urban area.”
 - i. **Findings:** The zone change will allow for a re-use for commercial buildable land. The proposed development will be reviewed and encouraged to follow the energy conservation policies.

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

- i. **Findings:** It is planning commission’s opinion that this change of zoning with the concurrent proposed commercial development is in the public interest due to the opportunities it creates for the community, the long-term employment opportunities created, visual improvement and net economic growth. The applicant has provided supplemental information about commercial demand in Molalla, and has held a community meeting with the affected surrounding property owners to voice any concerns or opinions.

D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)4.

- i. **Findings:** Attached (Exhibit A & I) and (Exhibit B) are the conditions/recommendations from ODOT and the City of Molalla Public Works Department. The conditions/recommendations will ensure the meet the transportation compliance policies.

In the hearing applicant requested to be able to discuss updated the conditions recommend in (Exhibit I) with ODOT. The applicant is willing to working with ODOT and would like time discuss the improvements placed on the development. The Planning Commission concurred with the request to strike the (Exhibit I) from the conditions.

5. 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. **Findings:** The proposal and process related to administering the application meet all applicable Oregon DLCD administrative rules.

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

5. Decision

Based upon the submitted materials and the findings of this report, the City of Molalla Planning Commission recommends the City Council **approve** application P29-2018 pursuant to the following conditions:

1. Approve planning permit P29-2018 to amend the comprehensive plan map and re-zone the proposed parcel 1 from M-1 Light Industrial to C-2 General Commercial.
2. The applicant shall abide by the Oregon Department of Transportation recommendations/standards.
3. The applicant shall abide by the conditions prescribe by the Public Works Department (Exhibit B)
4. The applicant shall be required to acquire any State or Federal permits applicable to this development.

DATED this _____ Day of July, 2018.

Omar Reynaga
Co-Chair

Aldo Rodriguez
Community Planner

17-4.1.040 Type III Procedure - Appeals

Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection D.

Appeal Filing Procedure.

a. Notice of Appeal. Any person with standing to appeal, as provided in subsection D.1, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.

b. Time for Filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision and consistent with ORS 197.195.

c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

Scope of Appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

Final Date of Appeal:

July 25, 2018

Please direct all questions to Community Planner Aldo Rodriguez:
communityplanner@cityofmolalla.com or by phone at (503)-759-0219. A copy of the findings is available on the city website or by contacting Aldo.