

Minutes

City of Molalla **Planning Department**

June 16, 2009

Call to Order

Chairperson Dick Miller called the meeting to order of the Planning Commission at 6:30pm on June 16, 2009 at the Molalla Adult Center. This is a continuation of hearings before the Planning Commission on the Comprehensive Plan, Code, Downtown & OR 211 Streetscape Master Plan, Parks & Recreation Master Plan, and URA designation. This meeting focused on comments from individuals requesting inclusion/exclusion into the Urban Reserve Area.

Flag Salute

Roll Call

Planning Commissioners:

Chairperson Dick Miller, Secretary Michelle Mills, Commissioner Bob Trexler, and Commissioner Joe Greenman

Absent

Vice Chairperson Harry Ruth, Commissioner Christine Dublin, Commissioner Bill Hood, Commissioner Jerome Beattie and Commissioner Tara Kramer

Staff

Shane Potter Planning Director

Approval of Prior Minutes

The Planning Commission approved the minutes of May 28, 2009.

Public Comment

Susan Hansen, PO BOX 50, Molalla, OR 97038

Ms. Hansen stated the following:

- Our goal 5 inventory is incorrect and needs to be fixed which she has noted on several occasions.
- 2007 DLCDD (Department of Land Conservation & Development) stated there will be no growth for this area.
- Too much land zoned for commercial already.
- Use the states Model Codes
- No good growth shown through any of the plans you have presented.

Jim Gilbert, 28696 S Cramer Rd, Mulino OR

Representing the Molalla CPO (Community Planning Organization)

Mr. Gilbert stated that we have no right to be here tonight. We are going against state law by allowing people to try and make a case for themselves to be included into the URA. Mr. Gilbert went on to say that we must update our public facilities plans to be at this point where we are.

Mr. Gilbert cited numerous rules and regulations with the process for expansion.

Chairperson Miller then asked Mr. Gilbert what is best to ask the person or to just take the land.

Mr. Gilbert then began to ask Chairperson Miller a question.

Chairperson Miller stated that he asked a question and wanted an answer not another question.

Mr. Gilbert then began to ask a question of Chairperson Miller.

Chairperson Miller stated that if Mr. Gilbert was not going to answer his question then there was no reason to continue.

Mr. Gilbert began to ask his question again at which time Chairperson Miller explained that he could sit down since he would not enter into conversation they were not going to have a discussion.

Randy Hironimus, 33381 S Sawtell Rd, Molalla, OR 97038

Mr. Hironimus stated that he has property that will be affected by this decision. Mr. Hironimus continued by stating that he would like to see the best use of the lands that already exist before trying to grow towards his property.

Public Hearing

Chairperson Miller explained the purpose of the meeting and the procedures that will be used to conduct the hearing. Mr. Miller explained the procedures for submitting oral arguments for the record.

City Attorney Chris Crean opened the hearing to discuss population projections and the URA. Mr. Crean stated that the City asked the County to do a coordinated population projection, to determine our land need, but we have not heard definitely from them what they intend to do. Mr. Crean stated that it is important to remember that there are 2 task elements involved in long range planning:

- Updating the Comprehensive Plan
- Updating the Development Code, and
- Designating the urban reserves

Urban reserve designation process is governed by Division 21 of LCDC Administrative Rules. There is no discussion on population coordination projections that is in Division 24 regarding Urban Growth Boundary Expansions. The City needs to have a coordinated population projection from the county or to use the safe harbor in order to move their urban growth boundary. The immediate task before the city is to determine the urban reserve. Mr. Crean stated that there is still time for the county to do it's coordinated population projection, in the meantime the city has it's 2006 Hovee Analysis that we have been encouraging the County to adopt. If we do not have a coordinated population number from the county by the time we move the Urban Growth Boundary we will have to use the safe harbor policy.

Planning Director Potter explained that individuals talking on certain properties need to identify the property for the Planning Commission at the beginning of their introduction.

Larry Derr, 425 NW 10th Ave #306, Portland, OR 97209

Mr. Derr represents Mr. Roger Gates, Mary Haupfer, and Lois Mead. They own 12.9 acres of property behind Molalla River Estates on Highway 211. They would like to have their property moved into the Urban Reserves under residential zoning. In doing so it would allow for 40-45 homes. Mr. Derr also stated that it would work for possible public facilities such as a school. Mr. Derr did a comparison with other properties in Molalla with this property. The property is not impacted by wetlands or streams and the soils are class 2. Mr. Derr stated that they would be happy to work with staff in regards to getting this property into the Urban Reserve.

Planning Director Potter asked Mr. Derr to discuss the Buckeroo fireworks issue that was discussed early in this process.

Mr. Derr discussed how the Buckeroo currently uses the property for fallout as they did with Molalla River Estates. However development of Molalla River Estates developed. Mr. Derr further stated that while his client has never provided the allowance of his property to be used as a fallout area he did not feel that developing the property would impact the fireworks at all. Mr. Derr stated that his client is willing to put a requirement in the CC&R's similar to that of Molalla River Estates that states they understand they moved next to the Buckeroo and will not complain about the noise from events held at the Buckeroo.

Planning Director Potter asked Mr. Derr to go into detail in regards to the ability to service the property.

Mr. Derr stated that previous Public Works Director Dean Madison informed him that while they were below the elevation for gravity flow that the pump station in Molalla River Estates could be expanded to handle the subject property as well. Mr. Derr continued by stating that he talked with current Public Works Director Malcolm Bowie who stated that the property could be served by additional enhancements to the pump station.

Secretary Michelle Mills asked how they would handle access to the property since the access to the Highway lies on a curve.

Mr. Derr stated that there are two options. they could use a piece of property on the east side of Molalla River Estates as an access in and out of the property. Or the property could use the access to the west of the property which is City property that was identified as future right of way.

Secretary Mills asked if this parcel is much lower than the existing Molalla River Estates property?

Mr. Derr stated that the property is lower but not much lower and that it would not be too complicated to put a road down to service the property. Mr. Derr stated that access could be to Highway 211 as well.

Tony Kretzberg, 1011 Commercial St, Salem, OR

Mr. Kretzberg representing Burghardt investments thanked the Planning Commission for their community service and all the time that they have put into this very difficult task. Mr. Kretzberg gave his explanation why the 44 acres behind Big Meadow should be classified residential rather than large site industrial, if brought into the URA. Mr. Kretzberg stated that 90 percent of the soil on the property is Class 3 or worse and 45 percent of the soil on the property is Class 4 or worse. Another consideration for bringing this property into the City is the accessibility of the utilities. Mr. Kretzberg thanked the Planning Commission for their time.

Hal Keever, WH Pacific, 9755 SW Barnes Rd, Ste #300, Portland OR

Mr. Keever complimented the Planning Commission for the good job they are doing. Mr. Keever stated that he is representing the 100+ acres on Sawtell Rd, the Kyllo Farm. Mr. Keever explained that bringing in a larger development into the south can help facilitate the development of the

smaller parcels because they can more efficiently and financially become more feasible to extend utilities to the larger parcels and get late comer agreements and get paid back for their investments. Mr. Keever stated that they have done analysis and that there is little to no wetlands on the Kylo Tree Farm, infrastructure fees aren't going to be paid by the City by a tax by the residence and it will provide and increase the tax base for the city.

Alan Manual, 31150 S Needy Rd, Molalla, OR 97038

Mr. Manual appreciates the Planning Commission for doing the Urban Reserve. Mr. Manual stated that the City of Canby also does not have an Urban Reserve. Mr. Manual pointed out that he appreciates that the Planning Commission is willing to listen to the people who are responsible for providing input in this record and make a case for their property. Mr. Manual stated that he could not disagree with Jim Gilbert more on that and is happy that we allowed them to talk unlike what Mr. Gilbert wanted out of this process.

Larry Carnahan, 358 Warner Milne Rd, Oregon City, OR 97045

Mr. Carnahan pointed out two pieces of property on the map to the Commission. The properties are owned by the Simmons family which is 60 acres and the Burkoff family which is 40 acres. Mr. Carnahan stated that developing these parcels would decrease downtown congestion. He continued by stating that all utilities are at or adjacent to the parcel. Mr. Carnahan also stated that development of this property would help in developing Vick Road. Mr. Carnahan finished by stating that this property had a pioneered water rights well that could supply the city with water needs beyond that of the development of the property. Mr. Carnahan thanked the Planning Commission for their time.

Joan Zuber, Vice Chairperson for the South Clackamas Community Planning Organization

Ms. Zuber stated that her organization would like to see Molalla move on except for the Safe Harbor method. Ms. Zuber also stated that she would like Molalla to continue to be a pleasant place.

Corrine Goldin, 32880 S Sawtell Rd, Molalla OR 97038

Ms. Goldin lives across the street from the Kylo properties. Ms. Goldin stated that she does not wish to be part of the URA. She would eventually like to become an organic dairy and being surrounded by residential homes is not the right medium for that. Ms. Goldin would like to know how you decide what property takes precedence, the large property or the small property like hers.

Planning Director Potter explained to Ms. Goldin that part of this process is to make a case of why or why it does not meet the state regulations. Mr. Potter stated to Ms. Goldin that her piece of property lies within exception land and that it meets high priority and that she needs to make a case on how it does or does not meet the requirements for inclusion.

Ms. Goldin stated that she thinks moving the URA south of town is more costly. She also stated that she has Class II soils which is good for growing product. Ms. Goldin also stated that she has wetlands on her property.

Chairperson Miller closed the public hearing after a unanimous vote by the Planning Commission.

Staff Comments

Planning Director Potter had no further comments

Planning Commission Comments

No additional commission comments were made.

Upcoming Meetings

The next hearing will be held on Tuesday July 14, 2009 at 6:30pm the Molalla Adult Center at which time final staff reports will be provided to the Planning Commission. On July 7, 2009 there will be a joint meeting with the City Council and Planning Commission at 6:30pm at City Hall.

Close Public Hearing

Secretary Mills voted to close the public hearing, Commissioner Trexler seconded all Planning Commission members present voted to close the public hearing at 8:04pm.

New Business

No new business

Adjournment

Chairperson Miller adjourned the meeting at 8:06pm.

An audio recording of the hearing is on file at City Hall.