



AGENDA

MOLALLA CITY COUNCIL MEETING
January 12, 2022
7:00 PM
Molalla Civic Center
315 Kennel Ave, Molalla, OR 97038

Mayor Scott Keyser

Council President Leota Childress
Councilor Elizabeth Klein
Councilor Terry Shankle

Councilor Jody Newland
Councilor Crystal Robles
*Councilor Eric Vermillion**

REGULAR COUNCIL MEETING begins at 7:00pm: Open to the Public and open to Public Comment or Testimony. Please fill out a comment card and submit it to the City Recorder, prior to the beginning of the meeting.

* Councilor Vermillion will be sworn in at the beginning of this evening’s meeting.

The On-Demand replay and Live-Streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

3. CONSENT AGENDA

A. Meeting Minutes – December 22, 2021.....Pg. 3

4. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Swearing – In: Councilor Eric Vermillion
- B. Council President Appointment
- C. Council Chamber Liason Appointment
- D. Council Library Liason Appointment
- E. Council Parks CPC Liason Appointment
- F. Council Police Facility CPC Liason Appointment
- G. Council Beautification & Culture CPC Liason Appointment
- H. Council C4 Liason and Alternate Appointment
- I. Planning Commission Appointment

5. PUBLIC COMMENT & WRITTEN COMMUNICATIONS

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

6. PUBLIC HEARINGS

A. Ordinance No. 2022-01: Annexing Tax Lots 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 Acre Territory, and Assigning an M-2 (Heavy Industrial) City Zoning Designation to the Annexed Territory (Corthell/Zinder).....Pg. 5

7. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2022-01: Annexing Tax Lots 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 Acre Territory, and Assigning an M-2 (Heavy Industrial) City Zoning Designation to the Annexed TerritoryPg. 25

8. GENERAL BUSINESS

9. STAFF COMMUNICATION

10. COUNCIL COMMUNICATION

11. ADJOURN

Agenda posted at City Hall, Library, and the City Website at <http://www.cityofmolalla.com/meetings>. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.



Minutes of the Molalla City Council Meeting

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
December 22, 2021

CALL TO ORDER

The Molalla City Council Meeting of December 22, 2021 was called to order by Mayor Scott Keyser at 6:59pm.

COUNCIL ATTENDANCE

Present: Mayor Scott Keyser, Council President Leota Childress, Councilor Terry Shankle, Councilor Jody Newland, Councilor Crystal Robles.

Absent: Councilor Elizabeth Klein, (available via phone for vote of City Councilor only)

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder, Chris Long, Police Chief.

CONSENT AGENDA

- A. Meeting Minutes – December 8, 2021

A motion was made by Council President Childress to approve the Consent Agenda, seconded by Councilor Robles. Vote passed 5-0, with all Councilors voting Aye.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. City Council Vacancy – Selection and Appointment

During the evening Work Session, Council members held second interviews for the vacant council position. Interviewees were Levi Davis, Ashly Hansen, and Eric Vermillion.

A motion was made by Council President Childress to appoint Mr. Levi Davis to Council, seconded by Councilor Klein. Vote failed 2-4. Voting Aye: Council President Childress and Councilor Klein. Voting Nay: Councilor Robles, Councilor Newland, Councilor Shankle, and Mayor Keyser.

A motion was made by Mayor Keyser to appoint Mr. Eric Vermillion to Council, seconded by Councilor Newland. Vote passed 6-0. Councilors voting Aye: Councilor Robles, Councilor Newland, Councilor Shankle, Council President Childress, Councilor Klein, Mayor Keyser.

Mr. Vermillion will be sworn in at the January 12, 2022 Council meeting.

- B. Molalla Police Department – Swearing-In Ceremony of Police Chief, Chris Long; Lieutenant, Bobby Call; Sergeant, Steve Long

Mayor Keyser held a swearing in ceremony for Police Chief, Chris Long, Lieutenant, Bobby Call and Sergeant, Steve Long.

- C. Commendations – Police Department

Mayor Keyser read a letter of commendation to the Molalla Police Department and its officers for their bravery during an active shooter event on October 4, 2021.

D. Commendation – Public Works Department

Mayor Keyser read a letter of commendation for Cody Foxworthy of the Public Works Department, for his quick reaction to a power outage that left our Wastewater Treatment Plant without power. Mr. Foxworthy checked that the generator was working properly, and it was not. His actions averted environmental and mechanical damage regarding a plant overflow.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

None.

ORDINANCES AND RESOLUTIONS

None.

GENERAL BUSINESS

None.

STAFF COMMUNICATION

- Chief Long reported that the new Support Service Supervisor started and things are going very well. He is also busy with the upstairs office remodel.
- City Recorder Teets thanked Council for providing lunch to City Hall staff, as it was greatly appreciated.
- City Manager Huff had no report.

COUNCIL COMMUNICATION

- Councilor Robles had nothing to report.
- Councilor Newland attended a Chamber of Commerce meeting earlier in the week, and announced that the annual Chamber Dinner will be held on January 15, 2022. She encouraged people to contact the Chamber for tickets.
- Councilor Shankle had nothing to report.
- Council President Childress is looking forward to a full Council in January.
- Mayor Keyser thanked the community for the outpouring of support during the month-long Toy Drive.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Meetings – December 22, 2021”](#)

ADJOURN

Mayor Keyser adjourned the meeting at 7:24pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, City Recorder

City of Molalla

City Council Meeting



Agenda Category: Public Hearing/Ordinances

Subject: DCA14-2021/ORD2022-01 Annexation and Zone Change of three properties on the southern frontage of S Lowe Road in Molalla, east of S Molalla Forest Road and Ona Way. The properties are addressed at 13350 S Lowe Road (parcel 52E08C 03500), 13434 S Lowe Road (parcel 52E08C 03600), and 13500 S Lowe Road (parcel 52E08C 03700), and together comprise 16.50 acres.

Recommended Action & Motion(s): Adopt.

1. I move the Molalla City Council conduct the first reading of ordinance 2022-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 ACRE TERRITORY, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY**, by title only.
2. I move the Molalla City Council adopt ordinance 2022-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 ACRE TERRITORY, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY.**

If approved by unanimous vote of the City Council

1. I move the Molalla City Council conduct the second reading of ordinance 2022-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 ACRE TERRITORY, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY**, by title only.
2. I move the Molalla City Council adopt ordinance 2022-01, **AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 ACRE TERRITORY, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY.**

Date of Meeting to be Presented: 1/5/22-Planning Commission Recommendation, 1/12/22 City Council Public Hearing, 1st reading, and possible 2nd reading/adoption.

Fiscal Impact: Annexation of land into the City limits provides proportionate property tax revenues to the general fund.

Background: The applicant is proposing to annex three contiguous, single ownership properties, containing approximately 16.50 acres, into the Molalla City Limits. All three properties are contiguous to the Molalla City limits, and within the Urban Growth Boundary. Consistent with the Molalla Comprehensive Plan, the applicant is proposing that the property be re-zoned from Rural Industrial (RI) to Heavy Industrial (M2). No new development is proposed in this application.

The subject property is located south of town at the northwest corner of S Molalla Ave and Molalla Forest Road. There is no current use on the property, and 2 abandoned mill buildings are currently located on the site.

Posted for public review 12/28/21.

Exhibits:

Exhibit 1 – Warrantee Deeds

Exhibit 2 – Property Reports

Exhibit 3 – Current and Proposed Zoning

Exhibit 4 – Annexation Survey and Legal Description

Exhibit 5 – Public Utility Feasibility Plan

Exhibit 6 – Findings of Fact

EXHIBIT 1 – Warrantee Deeds

Recorded By TICOR TITLE

C877822

BARGAIN AND SALE DEED – STATUTORY FORM

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor:

Grantee: Trina Irene Johnson

Until a change is requested, all tax statements shall be sent to the following address:
Trina Irene Johnson
13350 S Lowe Road
Molalla OR 97038

After Recording return to:
Trina Irene Johnson
13350 S Lowe Road
Molalla OR 97038

Escrow No. 877822 DIA
Title No. 877822

Clackamas County Official Records
Sherry Hall, County Clerk

2006-078428

\$26.00

01012375200600784280010011

08/25/2006 02:49:55 PM

D-D Cnt=1 Stn=5 BEVERLY
\$5.00 \$11.00 \$10.00

TIM RUSSELL JOHNSON, Grantor, conveys to TRINA IRENE JOHNSON, A MARRIED WOMAN, Grantee, the following described real property situated in Clackamas County, Oregon, to wit:

A part of the Rachel Larjkins Donation Land Claim No. 43, in Section 8, Township 5 South, Range 2 East, of the Willamette Meridian, County of Clackamas, State of Oregon, described as follows:

Beginning at a point which is North 26° 49' East 59.2 feet from the one-quarter corner common to Sections 8 and 17, said Township and Range; thence North 57° 11' West along the Southwesterly line a tract conveyed to Clare Hume, by deed recorded January 22, 1946 in Book 359, Page 116, Records of Clackamas County, a distance of 546 feet to a point which is the true point of beginning of the tract herein described; thence North 57° 11' West, along the Southwesterly line of the said Hume tract, a distance of 430 feet, to the most Easterly corner of the tract conveyed to Harold L. Atkinson, et ux by deed recorded March 8, 1965 in Book 854, Page 27, Records of Clackamas County; thence North 2° 55' 00" West, a distance of 578 feet to the South line of the Willamette Valley Southern Railway Co. right-of-way as described in deed recorded in Book 137, Page 171, Records of Clackamas County; thence North 87° 04' 30" East along said railway a distance of 850 feet, more or less, to the true point of beginning.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.630 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$0.00. (Here comply with the requirements of ORS 93.030).

Dated this 21 day of AUG, 2006.

Tim Russell Johnson
Tim Russell Johnson

State: OR
County: Clackamas

The foregoing instrument was acknowledged before me this 21 day of Aug, 2006 by:

Tim Russell Johnson

L J Bohlmann
Notary Public
My Commission Expires: _____



3 9 83

WARRANTY DEED - STATUTORY FORM
(Individual or Corporation)

THE COMMERCIAL BANK
Grantor, conveys and warrants to DENNIS L. FULMAN AND SHARI L. FULMAN,
husband and wife,

Grantee, the following described real property free of encumbrances except as specifically set forth herein:
A part of the Rachel Larkins D.L.C. No. 43, in Section 8, T.5S., R.2E.,
of the W.M., in the County of Clackamas and State of Oregon, described
as follows:

Beginning at a point which is North 26°49' East 59.2 feet from the one-
quarter corner common to Sections 8 and 17, said township and range;
thence North 57°11' West along the Southwesterly line of a tract conveyed
to Clare Hume, by deed recorded January 22, 1946 in Book 359, page 116,
Deed Records, a distance of 546.00 feet to a point which is the true
point of beginning of the tract herein to be described; thence North
2°55'30" West a distance of 850.00 feet, more or less, to the South line
of the Willamette Valley Southern Railway Co. right of way described in
deed recorded in Book 137, page 171, Deed Records; thence North 87°04'30"
East along said right of way line 225.00 feet; thence South 2°55'30" East
to a point that is South 57°11' East of the true point of beginning; thence
North 57°11' West to the true point of beginning.

Encumbrances: None
The true consideration for this conveyance is \$35,000.00. (Here comply with the requirements
of ORS 93.030).

Dated this 7th day of March, 1983, if a corporate grantor, it has caused
its name to be signed by order of its board of directors.

THE COMMERCIAL BANK
Douglas Hill, etc.

STATE OF OREGON, County of Clackamas } ss.
County of } ss.
March 7, 1983
Personally appeared Douglas Hill and
who, being duly sworn,
each for himself and not one for the other, did say that the former is
the assistant vice president and that the latter is the
secretary of the The Commercial Bank
a corporation, the foregoing instrument
was signed in behalf of said corporation by authority of its board of
directors; and each of them acknowledged said instrument to be his
voluntary act and deed.

Before me:
Notary Public for Oregon
My commission expires
Notary Public for Oregon
My commission expires 9-5-83

If the consideration consists of or includes other property or value, add the following:
"The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration
(Indicate which):"

The Commercial Bank
Grantor's Name and Address
Dennis L. & Shari L. Fulman
13588 S. Hwy 211
McMinnville, OR 97128
Grantor's Name and Address
After recording return to:
Dennis L. & Shari L. Fulman
13588 S. Hwy 211
McMinnville, OR 97128
Name, Address, Zip
Until a change is requested all tax statements shall be sent to
following address:
Dennis L. & Shari L. Fulman
13588 S. Hwy 211
McMinnville, OR 97128
Name, Address, Zip
ORL-303 (Rev. 8-80) 2321-03

STATE OF OREGON } ss.
County of Clackamas } ss.
I, James H. Orr, County Clerk, do certify
that the Commercial Bank of Clackamas,
for the Commercial Bank of Clackamas,
that the instrument of writing was recorded for
recording in the records of said County at

1983 MAR 9 PM 4:01
63 6518
RECORDED
JAMES H. ORR
COUNTY CLERK
CLACKAMAS COUNTY, OREGON

4
MAR 9 1983
First American Title Insurance Company of Oregon

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That VERNON J. GOSSO and HAZEL L. GOSSO

hereinafter called the grantor, for the consideration hereinafter stated, to grantor said by AVISON LUMBER CO., INC. hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or pertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit: A part of the Rachel Larkins D.L.C. No. 43, in Section 8, Township 3 South, Range 2 East, of the W.M., described as follows: Beginning at a point which is North 26° 49' East, a distance of 59.2 feet from the one-quarter corner common to Sections 18 and 17 and Township and range, thence North 57° 11' West along the southwesterly line of a tract conveyed to Clare Hume, by Deed recorded January 22, 1946, in Book 359, page 116, Record of Deeds of Clackamas County, a distance of 346 feet, thence North 2° 55' 30" West, a distance of 850 feet, more or less, to the south line of the Willamette Valley Southern Railway Co. right of way as described in deed recorded in Book 137, page 171, Deed Records; thence North 87° 04' 30" East along said right of way 225 feet to the true point of beginning of the tract to be described; thence continuing North 87° 04' 30" East along the south line of said right of way 215 feet; thence South 2° 55' 30" East to an intersection with the southwesterly line of the Clare Hume tract aforesaid; thence North 57° 11' West along the southwesterly line of said Hume tract to a point that is South 2° 55' 30" East from the true place of beginning, thence North 2° 55' 30" West to the true place of beginning.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple, of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 30,000.00

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14 day of November, 1955; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Vernon J. Gosso
Hazel L. Gosso

STATE OF OREGON, County of Clackamas, November 5, 1955. Personally appeared the above named Vern J. Gosso and Hazel L. Gosso, and acknowledged the foregoing instrument to be their voluntary act and deed. Notary Public for Oregon My commission expires: 7-26-56

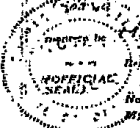
STATE OF OREGON, County of Clackamas, Jm. Personally appeared and as being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in full of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be his voluntary act and deed. Before me: Notary Public for Oregon My commission expires:

Vernon J. & Hazel L. Gosso

AVISON LUMBER CO., INC.

AVISON LUMBER CO
PO BOX 419
MOLINA, OR. 97058

same as above



OFFICIAL SEAL

1955 DEC 6 PM 4:06

Signature of Notary Public

DEC 6 1955

65 43288

EXHIBIT 2 – PROPERTY REPORTS

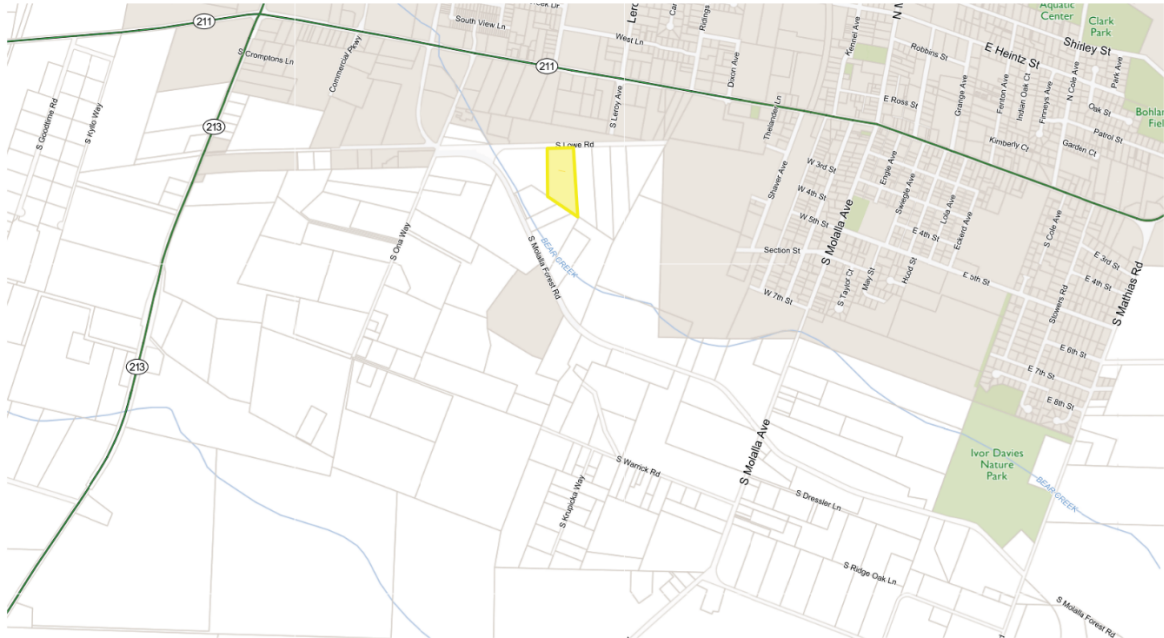
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Property Report



Property Report

Geographic Information Systems
121 Library Court
Oregon City, OR 97045



Parcel Number	01092472
Tax Payer	JOHNSON TRINA IRENE
Site Address	13350 S LOWE RD, MOLALLA, OR 97038
Mailing Address	PO BOX 537, MOLALLA, OR 97038
Tax Lot Number	52E08C 03500
Land Value	\$218,670.00
Building Value	\$206,920.00
Total Value	\$425,590.00
Bedrooms	3
Bathrooms	2
Living Area	1744
Assessed Acres	5.74
Assessed Value	\$232,426.00
Year Built	1956
Sale Date	08/21/2006
Sale Amount	\$0.00
Sale Type	S
Document Number	2006-078428
Land Class	401
Building Class	12
Neighborhood	Molalla rural north all other

Taxcode Districts	N/A
Urban Growth Boundary	Molalla UGB
FEMA	Area Of Minimal Flood Hazard
Zoning	RRFF5: 5.48 acres
Fire District	Molalla RFPD #73
Park District	Not In District
School District	Molalla River
Sewer District	N/A
Water District	N/A
Community Planning Organization	Molalla
Garbage And Recycling Service	Molalla Sanitary
City	Unincorporated Clackamas County

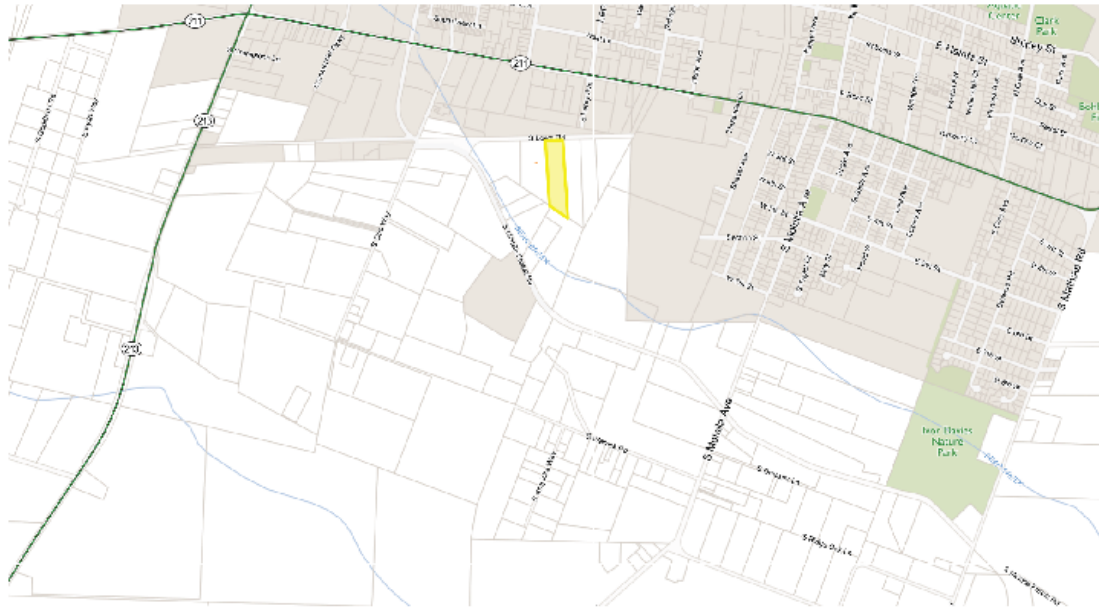
This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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Tue, 14 Dec 2021 00:56:52
GMT



Property Report

Geographic Information Systems
 121 Library Court
 Oregon City, OR 97045



Parcel Number	01092481
Tax Payer	PUHLMAN DENNIS L
Site Address	13434 S LOWE RD, MOLALLA, OR 97038
Mailing Address	PO BOX 506, MOLALLA, OR 97038
Tax Lot Number	52E08C 03600
Land Value	\$215,858.00
Building Value	\$100,090.00
Total Value	\$315,948.00
Bedrooms	0
Bathrooms	0
Living Area	N/A
Assessed Acres	5.47
Assessed Value	\$212,967.00
Year Built	N/A
Sale Date	01/16/2020
Sale Amount	\$0.00
Sale Type	S
Document Number	01092481-01
Land Class	401
Building Class	15
Neighborhood	Molalla rural north all other

Taxcode Districts	N/A
Urban Growth Boundary	Molalla UGB
FEMA	Area Of Minimal Flood Hazard
Zoning	RRFF5: 4.74 acres
Fire District	Molalla RFPD #73
Park District	Not In District
School District	Molalla River
Sewer District	N/A
Water District	N/A
Community Planning Organization	Molalla
Garbage And Recycling Service	Molalla Sanitary
City	Unincorporated Clackamas County

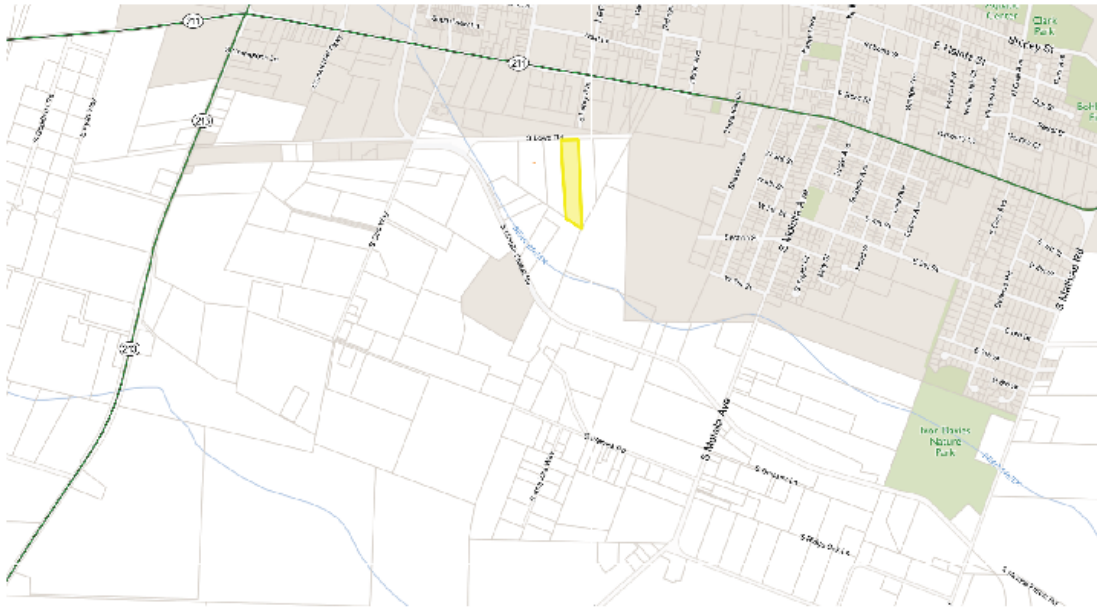
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Property Report

Geographic Information Systems
121 Library Court
Oregon City, OR 97045



Parcel Number	01092490
Tax Payer	AVISON LUMBER CO INC
Site Address	13500 S LOWE RD, MOLALLA, OR 97038
Mailing Address	PO BOX 419, MOLALLA, OR 97038
Tax Lot Number	52E08C 03700
Land Value	\$221,026.00
Building Value	\$11,740.00
Total Value	\$232,766.00
Bedrooms	N/A
Bathrooms	N/A
Living Area	N/A
Assessed Acres	5.29
Assessed Value	\$126,694.00
Year Built	N/A
Sale Date	11/01/1985
Sale Amount	\$30,000.00
Sale Type	N/A
Document Number	1985-043288
Land Class	401
Building Class	N/A
Neighborhood	Molalla rural north all other

Taxcode Districts	N/A
Urban Growth Boundary	Molalla UGB
FEMA	Area Of Minimal Flood Hazard
Zoning	RRFF5: 5.16 acres
Fire District	Molalla RFPD #73
Park District	Not In District
School District	Molalla River
Sewer District	N/A
Water District	N/A
Community Planning Organization	Molalla
Garbage And Recycling Service	Molalla Sanitary
City	Unincorporated Clackamas County

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GMT

EXHIBIT 3 – Current Zoning (RRFF5) & Proposed Zoning (to M-2 per Comprehensive Plan) Maps

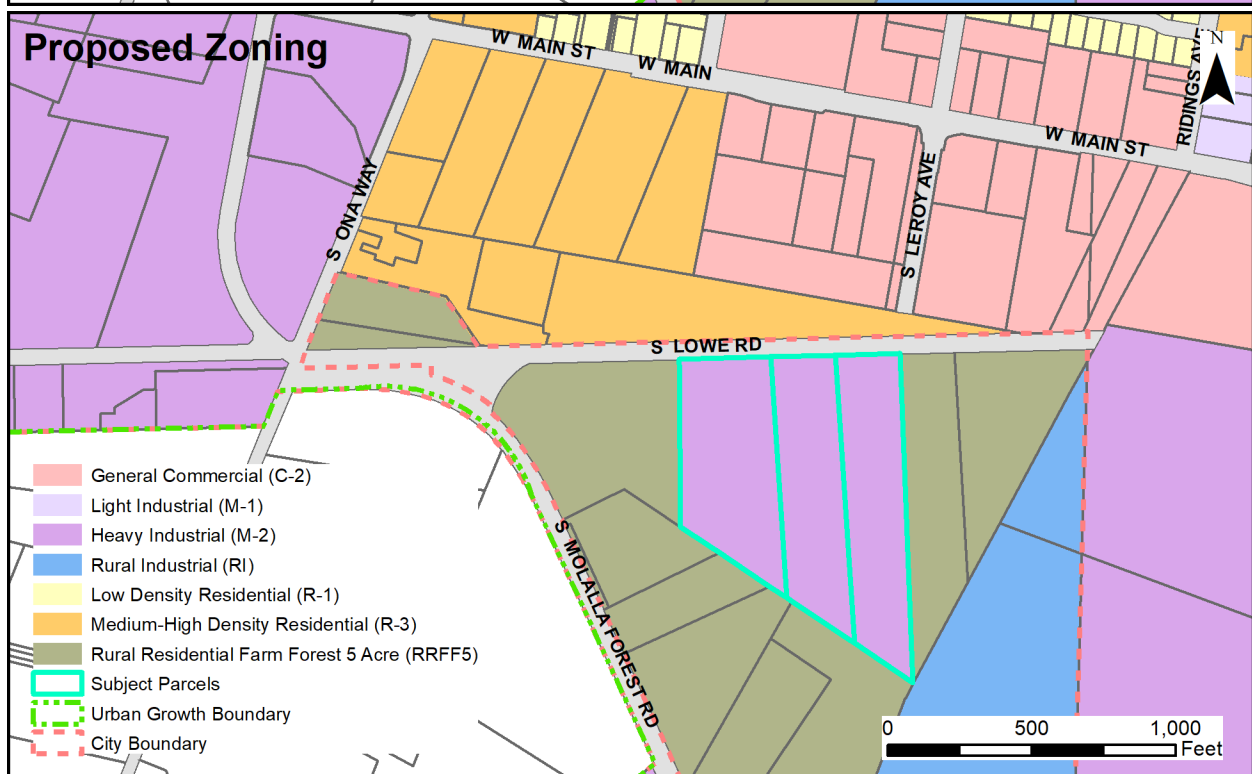
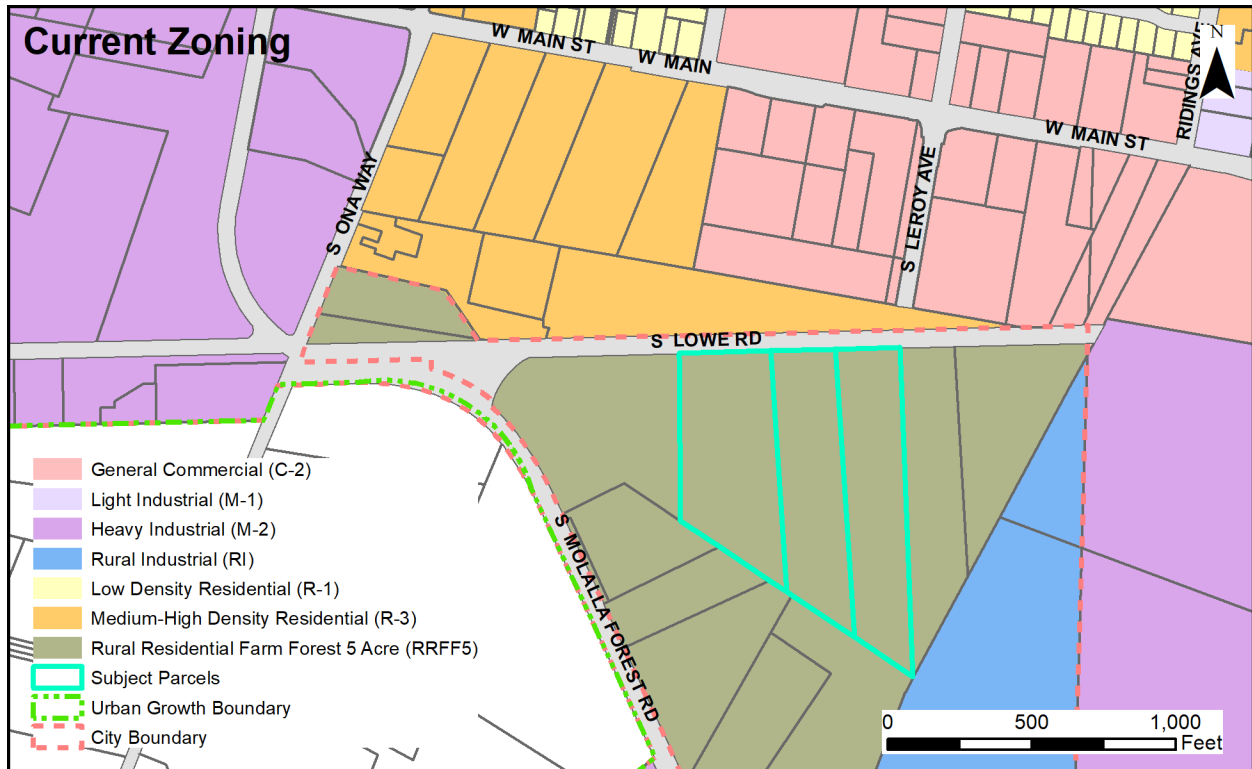
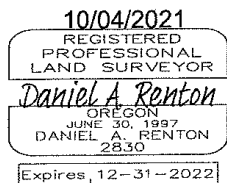


EXHIBIT 4 - ANNEXATION SURVEY & LEGAL DESCRIPTION



Minister & Glaeser Surveying, Inc.
Phone: 360-694-3313 Fax: 360-694-8410



OCTOBER 4, 2021

EXHIBIT " "

**PERIMETER DESCRIPTION FOR THE CITY OF MOLALLA
ANNEXATION OF TAX LOTS 3500, 3600 AND 3700**

A parcel of land located in a portion of the Rachel Larkins Donation Land Claim Number 43, in a portion of the Southwest Quarter and Southeast Quarter of Section 8, Township 5 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows;

BEGINNING at the Southeast corner of the "Clare Hume" parcel as described and recorded in Book 359 of Deeds, at Page 116, Clackamas County, Oregon, Deed Records, said point bears North 26°49'00" East, for a distance of 59.2 feet, more or less, from the Quarter corner common Section 8 and Section 17, Township 5 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon;

Thence North 57°11'00" West, along the South line of said "Clare Hume" parcel, for a distance of 969.28 feet, more or less to the Southeast corner of the "Nancy J. Ketrenos Family Trust" parcel as described and under Deed Document Number 2020-023397, Clackamas County, Oregon, Deed Records;

Thence North 02°55'30" West, leaving said South line and along the East line of said "Nancy J. Ketrenos Family Trust" parcel, for a distance of 634.58 feet, more or less to the Northeast corner thereof and the South line of the "Willamette Valley Southern Railroad Company" Right of Way as described and recorded in Book 137 of Deeds, at Page 171, Clackamas County, Oregon, Deed Records, said South Right of Way line is also the South Right of Way line of "South Lowe Road";

Thence South 87°04'30" East, leaving said East line and along said South Right of Way line, for a distance of 790.84 feet, more or less to the Northeast corner of the "Avison Lumber Company Incorporated" parcel as described and recorded under Clackamas County, Oregon, Deed Document Number 1985-43288;

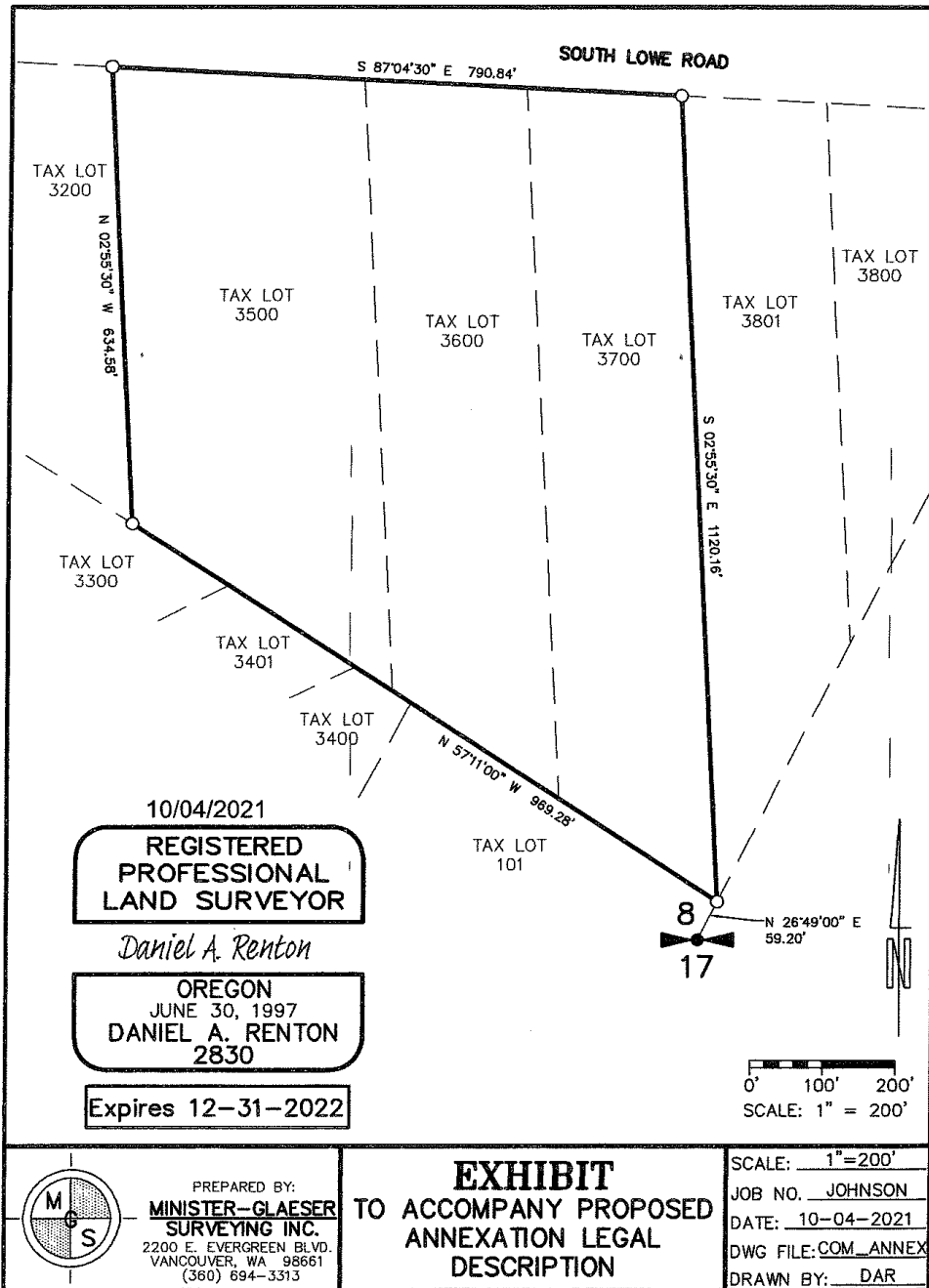
Thence South 02°55'30" East, leaving said South Right of Way line and along the East line of said "Avison Lumber Company Incorporated" parcel, for a distance of 1120.16 feet, more or less to the **POINT OF BEGINNING**;

TOGETHER with and **SUBJECT** to easements, reservations, covenants, and restrictions apparent or of record.

BASIS OF BEARING: SN 1956-022, Clackamas County Survey Records.

CONTAINING: 15.8 acres land, more or less.

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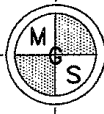


10/04/2021
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Daniel A. Renton
**OREGON
 JUNE 30, 1997
 DANIEL A. RENTON
 2830**

Expires 12-31-2022

0' 100' 200'
 SCALE: 1" = 200'



PREPARED BY:
**MINISTER-GLAESER
 SURVEYING INC.**
 2200 E. EVERGREEN BLVD.
 VANCOUVER, WA 98661
 (360) 694-3313

**EXHIBIT
 TO ACCOMPANY PROPOSED
 ANNEXATION LEGAL
 DESCRIPTION**

SCALE: 1"=200'
 JOB NO. JOHNSON
 DATE: 10-04-2021
 DWG FILE: COM_ANNEX
 DRAWN BY: DAR

EXHIBIT 6 – FINDINGS OF FACT

Applicable to Annexation Only

Annexation Criteria in Oregon Revised Statute 222.127

1. *This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.*

Finding: Chapter X, Section 38 of the City of Molalla Charter requires a petition proposing annexation of territory to be submitted to the electors of the city, thus ORS 222.127 supersedes the city charter for purposes of annexation.

2. *Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if [criterion 2(a)-(d), 3, and 4 below are met]:*

Finding: The city is in receipt of a petition proposing annexation of the territory described in Exhibits 1-6 of Ordinance 2022-01. The petition was filed by each and all of owners of land in the described territory.

This criterion is met.

- a. *The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;*

Finding: The subject property is within the current City of Molalla urban growth boundary.

This criterion is met.

- b. *The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;*

Finding: The territory in question is anticipated and included in the current City of Molalla Comprehensive Plan. Upon annexation the property will be subject to Molalla's current Comprehensive Plan.

This criterion is met.

- c. *At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water;*

Finding: The northern border of the subject lots are all contiguous to the city limits.

This criterion is met.

d. The proposal conforms to all other requirements of the city's ordinances.

Finding: MMC Table 17-3.1.020 makes annexation application approvals subject to public facilities requirements in MMC 17-3.6. The application includes a staff approved public facilities feasibility plan which is attached to this ordinance as Exhibit 5.

Also see MMC 17-4.6.030 Analysis below regarding amendments to the zoning map.

This criterion is met.

3. *The territory to be annexed under this section includes any additional territory described in ORS 222.111 (Authority and procedure for annexation) (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city*

Finding: No additional territory is required. The territory proposed is sufficient to locate infrastructure and right of way access for services necessary to develop.

This criterion is not applicable.

4. *When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed. [2016 c.51 §2]*

Finding: The criteria described subsection 2 apply to the territory proposed for annexation, however there is no need to annex additional property as described in subsection 3 (see findings in subsection 3).

This criterion is not applicable.

Applicable to Annexation and Zone Change

MMC 17-4.6.030 Annexation & Zone Change Approval Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

(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;

Finding: Neither the annexation or zone change action amends the Comprehensive Plan.

This criterion is not applicable.

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

Finding: The Molalla Comprehensive Plan includes the subject properties with a zoning designation of M-2, Heavy Industrial. The annexation deals with land that is part of the comprehensive plan and the concurrent zone change proposal is for an M-2 zoning designation which is consistent with the Comprehensive Plan.

This criterion is met.

(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;

Finding: The proposed annexation and zone change is intended to prepare the subject property for redevelopment of the site at a later time in compliance with the Molalla Comprehensive Plan. The Rural Residential Farm-Forest 5-Acre (RRFF5) zoning of this territory is not consistent with the Comprehensive Plan, which designates the property as M-2. The zone change will cure that inconsistency. With a growing community, this annexation and zone change provide additional industrial employment lands; lands that are currently at a deficit within the community and whose development as industrial is consistent with the Comprehensive Plan.

This criterion is met.

(D) The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance

Finding: This proposal does not significantly affect the existing or planned transportation system because future development will be consistent with the adopted Comprehensive Plan and Transportation System Plan which already contemplates the territory at issue in this application.

This criterion is met.

Applicable to Zone Change Only

MMC 17-1.2.060 Development Code and Zoning Map Implementation

(A) Zoning of Areas to be Annexed. Concurrent with annexation of land to the City of Molalla, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 17-4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

Finding: This proposal is a concurrent annexation and zone change proposal. Chapter 17-4.6 of the comprehensive plan designates the land at issue in this proposal as Heavy Industrial (M-2), and the proposal is consistent with that designation.

This criterion is met.



ORDINANCE 2022-01

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; A 16.50 ACRE TERRITORY, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY

WHEREAS, The City of Molalla Charter, Chapter X, Section 38 requires petitions to annex territory into the City limits to be submitted to the electors of the City; and

WHEREAS, ORS 222.127 supersedes City charters and ordinances requiring a petition to annex territory into the City limits to be submitted to the electors of the City, and requires cities to follow a separate framework for annexations under certain circumstances; and

WHEREAS, The circumstances are present in this application that require the City to apply ORS 222.127 in lieu of the City Charter annexation of territory; and

WHEREAS, The property owners submitted an application for annexation of TAX LOTS 52E08C 03500, 52E08C 03600, AND 52E08C 03700; a 16.50 acre territory located along the southern frontage of S Lowe Road, east of Molalla Forest Road and Ona Way; and

WHEREAS, the City of Molalla is authorized to annex territory under Oregon Revised Statutes (ORS) Chapter 222 and Molalla Municipal Code (MMC) Sections 17-1.2.060, Table 17-4.1.010, and 17-4.1.050; and

WHEREAS, The Owners submitted a concurrent annexation and Zone Change application proposing an M-2 (Heavy Industrial) City zoning designation as prescribed by the Molalla Comprehensive Plan to the Property; and

WHEREAS, Public Notice of the annexation request and the Zone Change request was separately provided consistent with both MMC Section 17-4.1.050.C and ORS 227.186; and

WHEREAS, the Molalla City Council conducted a legislative public hearing on January 12, 2022, where Council heard and considered testimony and evidence presented by the City staff, the Applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the annexation is consistent with all applicable legal requirements of state law, and City ordinances related to annexing property and voted to approve the application; and

WHEREAS, after the conclusion of the public hearing Council determined the Zone Change is consistent with all applicable legal requirements of state law, and City ordinances related to annexing property and voted to approve the application.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. The Council approves and endorses the annexation application for the Property shown and described in Exhibit 1 through Exhibit 4 (the property).

Section 2. The existing Clackamas County zoning for the Property, Rural Residential Farm Forest 5-Acre (RRFF5) is changed to the Heavy Industrial (M-2) City zoning designation in accordance with the City of Molalla Comprehensive Plan.

Section 3. The findings related to the annexation and Zone Change, and supporting documentation, attached as Exhibits 1-6, are incorporated herein by reference, and adopted.

Section 4. Notice to Utilities. In accordance with ORS 222.005, the City Recorder shall, no later than 10 working days after passage of this ordinance of the proposed annexation, provide by certified mail to all public utilities operating within the City, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's ordinance approving the annexation.

Section 5. Notice to County. In accordance with ORS 222.010, the City Recorder shall report to the Clackamas County Clerk and County Assessor all changes in the boundaries of limits of the City. The report shall be filed by the City within 10 days from the effective date of this ordinance.

Section 6. Assessor Valuation. In accordance with ORS 222.030 the City Reorder shall

request that the County Assessor furnish within 20 days of official request, a statement showing for the current fiscal year assessed valuation of the Property.

Section 7. Notice to Secretary of State. In accordance with ORS 222.177 the City Recorder shall transmit to the secretary of State:

- A copy of this ordinance proclaiming the annexation,
- A copy of the statement of consent for all electors or landowners of the Property who consented to the annexation under ORS 222.170

Section 8. Effective Date. This ordinance shall be effective 30 days after adoption by the City Council and approval by the Mayor.

The first reading of this ordinance was held on January 12, 2022 and was passed by a vote of ___ Aye and ___ Nay votes.

The second reading of this ordinance was held on _____ and was adopted by a vote of ___ Aye and ___ Nay votes; **OR**

This ordinance was made available to the public at least 7 days prior to the first reading and was adopted at the first reading by unanimous approval of the City Council; the second reading is waived.

This ordinance is hereby adopted this ___ day of _____ 2022.

Scott Keyser, Mayor

ATTEST:

Christie Teets, City Recorder