



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 26, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Molalla Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 9, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Shane Potter, City of Molalla

<paa> n

DLCD

Notice of Adoption



THIS FORM MUST BE MAILED TO DLCD
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Molalla Local file number: CA 2007-8
 Date of Adoption: AUGUST 13 2008 Date Mailed: AUGUST 18 2008
 Date original Notice of Proposed Amendment was mailed to DLCD: FEBRUARY 2008

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annexation into City CHANGE of zoning from County to City DESIGNATION

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: ~~Att~~ County to: ~~Att~~ City
 Zone Map Changed from: RREF-5 to: R-1
 Location: 109 LEROY AVE Acres Involved: 0.76 AC
 Specify Density: Previous: 1 UN/5AC New: 4.3 - 5.8
 Applicable Statewide Planning Goals: 2, 14, 10, 9, 5
 Was and Exception Adopted? YES NO

DLCD File No.: 001-08 (16826)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

City of Molalla, STATE OF OREGON, CLACKAMAS City

Local Contact: SHANE POTTER Phone: (503) 829-7526 Extension: ---
Address: PO Box 248 City: Molalla
Zip Code + 4: 97038 Email Address: planner@molalla.net

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

City Of Molalla

City Council Meeting

Agenda Category: Public Hearing

Subject: *Land Use File CA 2007 – 8 (Annexation, Zone Change, and Partition)*

Recommendation: *Planning Commission voted 3-0 recommending approval to the City Council*

Date of Meeting to be Presented: *August 13th 2008*

Fiscal Impact: New Tax Revenue

Background: The applicants are proposing annexing into the City of Molalla and changing the zoning from a county zone to a city zoning as required by the Molalla Comprehensive Plan. Part of the application also involves splitting one lot into three residential lots.

SUBMITTED BY: Shane Potter, Planning Director
APPROVED BY: John Atkins, Jr., City Manager

ALL AGENDA ITEMS MUST BE SUBMITTED BY NOON THE THURSDAY BEFORE THE SCHEDULED COUNCIL MEETING. LATE ITEMS WILL BE SUBMITTED TO THE CITY MANAGER FOR CONSIDERATION.

Agenda Item

City Recorder Use Only



MOLALLA PLANNING DEPARTMENT

117 N Molalla Ave - P.O. Box 248 - MOLALLA, OR 97038

Phone (503)829-PLAN (7526) Fax (503)829-6872

planner@molalla.net or planner2@molalla.net

www.molallaplanning.com

AFFIDAVIT OF PUBLICATION/MAILING

File No: CA 2007 - 8

I certify that I did send the:

- NOTICE OF PROPOSAL - LAND USE ACTION MAILED TO THE ATTACHED LIST OF PROPERTY OWNERS
- NOTICE OF PROPOSAL - LAND USE ACTION MAILED TO THE ATTACHED LIST OF GOVERNMENT AGENCIES, DEPARTMENTS AND OTHER INTERESTED PARTIES
- LEGAL NOTICE - PUBLIC HEARING TO THE MOLALLA PIONEER
- _____ FAXED _____ X _____ EMAILED
- NOTICE OF DECISION - MAILED TO ATTACHED LIST
- FINAL ORDER - LAND USE ACTION MAILED TO ATTACHED LIST
- OTHER: _____
- OTHER: _____

Date Action Taken: July 23, 2008

Signed: Mary Robertson

Print Name: Mary Robertson

Signed: Zach Pelz

Print Name: Zach Pelz

Sign In Sheet

Information below will need to be filled out completely and legibly in order for you to receive further information regarding this file.

DATE: July 15, 2008 TIME: 7pm FILE: CA 2007 - 8 (W. Lane & Leroy Avenue)

Ronald Thompson 221 Jerome St
PRINT FIRST AND LAST NAME ADDRESS
Silverton, Or, 97381 Ronald Thompson
CITY-STATE-ZIP SIGNATURE

Roger Peterson P.O. Box 1166, Mulino, OR 97042
PRINT FIRST AND LAST NAME ADDRESS
CITY-STATE-ZIP SIGNATURE

BRUCE ERICKSON FIRWOOD DESIGN GROUP, LLC
PRINT FIRST AND LAST NAME ADDRESS
39065 PIONEER BLVD.
CITY-STATE-ZIP SIGNATURE

SANDY OR 97055 Bruce W. Erickson
PRINT FIRST AND LAST NAME ADDRESS
CITY-STATE-ZIP SIGNATURE

BRIAN SYMES 2225 NE 57TH
PRINT FIRST AND LAST NAME ADDRESS

PORTLAND OR
PRINT FIRST AND LAST NAME ADDRESS
CITY-STATE-ZIP SIGNATURE

AL BORKOMEIO 33217 SADAMS RD Molalla Or.
PRINT FIRST AND LAST NAME ADDRESS

molalla, OR 97038
CITY-STATE-ZIP SIGNATURE

PRINT FIRST AND LAST NAME ADDRESS

CITY-STATE-ZIP SIGNATURE

Molalla River School District
PO Box 188
Molalla, OR 97038

Molalla Telephone Co.
PO Box 360
Molalla, OR 97038

Att: Chief Stafford
Molalla Fire Department
PO Box 655
Molalla, OR 97038

Molalla Buckeroo Association
PO Box 601
Molalla, OR 97038

Eleanor Hittner, PGE
121 SW Salmon St. 1WTC0501
Portland, OR 97204

Northwest Natural Gas
220 NW 2nd St 2nd Floor
Portland, OR 97209

Planning Director, Transport &
Develop.
9101 SE Sunnybrook Rd.
Clackamas, OR 97015

Division of State Lands
775 Summer St. NE
Salem, OR 97210

OMHA
2255 State Street
Salem, OR 97301

South Clackamas Transportation
Dist.
PO Box 517
Molalla, OR 97038

911 Services
2200 Kaen Rd.
Oregon City, OR 97045

Staff Writer
365 Warner Milne Rd. Suite 110
Oregon City, OR 97045

Sonya Kazen, ODOT Region 1
123 NW Flanders
Portland, OR 97209-4037

ODOT District 2C
999 Frontage Rd., Suite 250
Troutdale, OR 97060

Loretta Kieffer, ODOT District 2B
9200 SE Lawnfield Rd.
Clackamas, OR 97015

David Ramer
35588 S Molalla Avenue
Molalla, OR 97038

Randall Gray
9101 SE Sunnybrook Blvd, DTD
Clackamas, OR 97015

Tom Foster, Mayor
PO Box 356
Molalla, OR 97038

Office of County Council
2051 Kaen Rd
Oregon City, OR 97045

Deborah Schoenborn, Councilor
365 Cole Ct
Molalla, OR 97038

Mary Jo Mackie, Councilor
1237 Meadow Dr.
Molalla, OR 97038

Paul Erickson, Planning Comm.
39330 S Sawtell Rd
Molalla, OR 97038

Glen Boreth, Councilor
623 S. Molalla Avenue
Molalla, OR 97038

Joe Greenman, Planning Comm
1029 Meadowlark Pl
Molalla, OR 97038

Tara Kramer, Planning Commission
35588 S. Hwy 213
Molalla, OR 97038

Robert Trexler, Planning Comm
180 Fenton Ave., #11
Molalla, OR 97038

Danna Jacober, Councilor
713 Oak St.
Molalla, OR 97038

Harry Ruth, Planning Commission
1136 Homestead Pl.
Molalla, OR 97038

Dick Miller, Planning Commission
PO Box 964
Mulino, OR 97042

Molalla Pioneer
PO Box 168
Molalla, OR 97038

Dick Bailey
PO Box 418
Molalla, OR 97038

Roger Peterson
PO Box 1166
Mulino, OR 97042

Clarrence Cummings Trustee
PO Box 579
Molalla, OR 97038

Molalla Church of the Nazarene
PO Box 167
Molalla, OR 97038

Coleman Corrals Inc.
15151 S. Feyrer Rd.
Molalla, OR 97038

Chicago Title Development
Services
10001 S.E. Sunnyside
Clackamas, OR 97015

WBCable, Att: Lynn Tussing
PO Box 568
Woodburn, OR 97071

Lisa Sweet
34133 S. Dickey Prairie Rd.
Molalla, OR 97038

Sue Slack
PO Box 1307
Molalla, OR 97038

Scott Clarke
114 Toliver Ct.
Molalla, OR 97038

Jim Gilbert
28696 S Cramer Rd.
Molalla, OR 97038

Torin Glynn
945 Meadowlawn Pl
Molalla, OR 97038

Michelle Mills
208 Oak St
Molalla, OR 97038

Christine Dublin
13556 S Cascadia Ct
Molalla, OR 97038

Steve Clark
332 Steelhead St
Molalla, OR 97038

Zach Pelz

From: Zach Pelz [planner2@molalla.net]
Sent: Wednesday, July 23, 2008 10:23 AM
To: 'Lusted Patsy'
Subject: Legal notice

Ms. Lusted,

I have attached two notices for City Council Hearing that I need placed in the legal notices of the upcoming edition of the Pioneer. Please let me know if you have any questions.

Thanks once again,

Zach Pelz

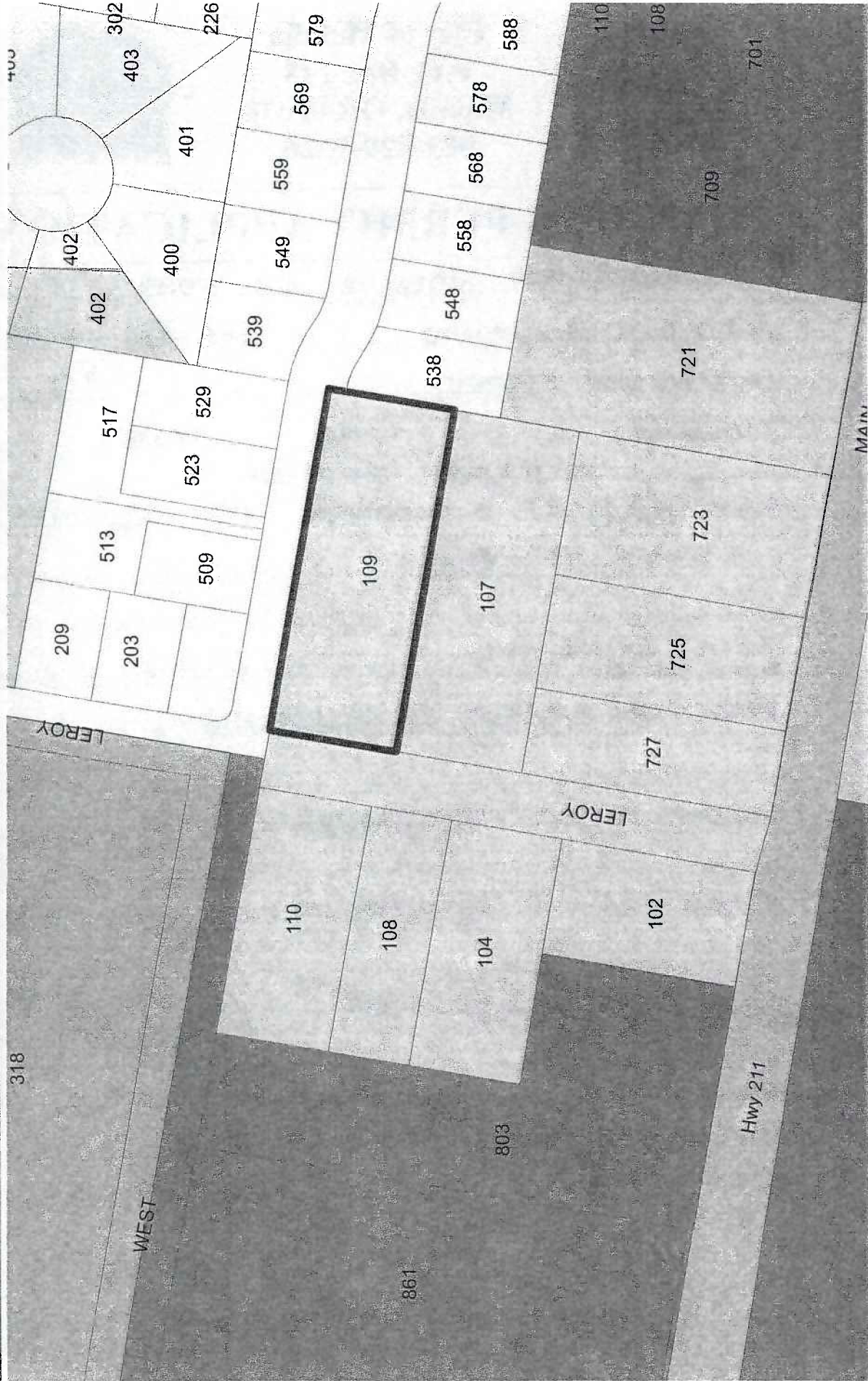
Assistant Planner
City of Molalla
117 N. Molalla Ave.
Molalla, OR 97038
(503) 829-7526
planner2@molalla.net

E-MAIL CONFIDENTIALITY NOTICE:

The information contained in this E-mail message and its attachments, if any, may be privileged, confidential and protected from disclosure. This information is the property of the City of Molalla. If you are not the intended recipient, any disclosure, copying, distribution, reading, or the taking of any action in reliance on or in response to this information (except as specifically permitted in this notice) is strictly prohibited. If you have received this transmission and you are not a named recipient or a person authorized to receive email and email attachments on behalf of a named recipient, or if you think you have received this E-mail message in error, please reply back to the sender.

CA 2007-8

109 S. Leroy Ave.



MOLALLA PLANNING DEPT.
117 N. Molalla Ave.
Molalla, OR 97038
(503) 829-7526



City of Molalla
P.O. Box 248
Molalla, OR 97038
503-829-7526



PLANNING PERMIT APPLICATION

109 LEROY STREET, MOLALLA, OR 97038

LOCATION (ADDRESS IF AVAILABLE)

ALFRED M. BORROMEO

APPLICANTS NAME

503 - 759 - 3980

PHONE

1515 W. MAIN STREET

MAILING ADDRESS

Q

APT/SUITE

MOLALLA

CITY

OR

STATE

97038

ZIP

PHONE

503-759-3333

CELL PHONE

503-759-3291

FAX

EMAIL

ALFRED M. & CHERYL B. BORROMEO

DEED HOLDERS NAME

503 - 759 - 3980

PHONE

(SAME AS ABOVE)

MAILING ADDRESS

APT/SUITE

CITY

STATE

ZIP

ZONE CHANGE AND
ANNEXATION TO CITY AND THEREAFTER A 3-LOT
PARTITION (BASED ON R-1 ZONING)

TYPE OF PLANNING APPLICATION IF MULTIPLE WRITE ALL THAT APPLY

SINGLE FAMILY RESIDENTIAL

PRESENT USE OF THE PROPERTY

SINGE FAMILY RESIDENTIAL

PROPOSED USE OF PROPERTY

Signature

Date of Application

RECIEVED:

11/9/07

RECEIVED BY:

[Signature]

FEE'S PAID:\$

4,200.-

CHECK NO:

APPLICATION NUMBER:

PLANNING COMMISSION RECOMMENDATION

Report Date: July 8, 2008
File No.: CA 2007-8
Legal Description: Township 5 South, Range 2 East, Section 8AC, Tax Lot 3600.
Applicant/Owner: Alfred Borromeo
Proposal: Annexation and Zone Change, Partition of 1 lot to 3 lots
Current Zone: RRF-5 (Rural Residential Farm Forest Five Acre Minimum)
Proposed Zone: R-1 (Single-Family Residential)

The applicant seeks approval of a consolidated application (annexation, zone change, and partition) for tax lot 3600 of Map 5S2E8AC. This application is being processed as a Type IV Land Use procedure pursuant to the Molalla Municipal Code chapters highlighted below.

BACKGROUND

The subject parcel currently contains one (1) single-family residence that lies off of S. Leroy Avenue. A large shop extends from the rear of the house causing proposed lot 1 to be a very large lot (17,395 square feet) in size. Based on the layout proposed lots 2 and 3 will take access off of West Lane which will be required to be brought up to full street improvements.

This application includes the following chapters:

- Section 16.06.070 Requirements for Complete Application
- Chapter 17.20 Design Standards
- Chapter 17.32 Partitioning
- Chapter 18.16 R-1 (Single-family Residential) District
- Chapter 18.46 Standards for Public Facilities
- Chapter 18.69 Wetlands
- Chapter 18.92 Zone Changes
- Chapter 18.93 Annexations and Boundary Changes

PROJECT DESCRIPTION

Lot 52E08AC03600 is on the east side of Leroy Avenue and the south side of West Lane. The proposed development in this application is proximal to a number of area attractions; the approximate distances to these locations are listed below:

- Middle School 50 feet
- Long Park .70 miles
- Elementary School .62 miles
- Fox Park .85 miles
- Public Library .85 miles
- Adult Center .69 miles
- City Swimming Pool 1.23 miles

The applicant is requesting that the parcel (total of 33,015 square feet) be partitioned into 3 lots the existing house containing 17,395 square feet, lot 2 is shown to be 7,810 square feet and lot 3 is shown to be 7,810 square feet. All 3 lots will be reduced by a small amount in order to complete the half street improvements along the north property line the entire distance of West Lane. Lot one is proposed to be 151.12' deep by 110' wide. Lot 2 is proposed to be 73.83' wide by 110' deep. Lot 3 is proposed to be 71.03' wide by 109.96' deep. The width of all 3 lots will be reduced by nearly 20' for the completion of West Lane. This leaves lot 1 with a width of 89.96' for a reduction of 3,022

square feet for a total lot area of approximately 14,327 square feet. Leaves lot 2 with a depth of 90' for a reduction of 1,477 square feet leaving approximately 6,333 square feet. Leaves lot 3 with a dept of 89.96' for a reduction of 1,421 square feet leaving approximately 6,389 square feet.

PROCEDURAL POSTURE

The applicant originally submitted the application for annexation, zone change and partition on November 9, 2007. Staff reviewed the submission deeming the application incomplete and sent a request for additional materials on December 4, 2007. Staff contacted the applicant on February 26, 2008 to find out if the additional information that we had requested was being prepared. Staff received the additional information requested on March 12, 2008. Staff deemed the application packet complete as per ORS 227.178(2) and MCC 16.06.060 on April 7, 2008.

FINDINGS AND CONCLUSIONS

For the reader's convenience, the applicable approval criteria have been listed below in *italic* print, 11 point Garamond font. Staff's findings and conclusions are presented after each individual criterion, in 11 point normal Garamond font.

The Molalla Municipal Code contains technical requirements for the submission of Consolidated Applications. Staff has reviewed the materials submitted by the applicant and has concluded that the applicant's submission can meet the requirements of the Molalla Municipal Code. Staff finds the applicant has met the submittal requirements as set forth in the aforementioned Chapters.

16.06.070 Complete Application – Required Information

- A. *Unless stated elsewhere in Titles 16 through 18, a complete application includes all the materials listed in this subsection.*
- B. *The Planning Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought.*
- C. *Likewise, within thirty (30) days of when the application is first submitted, the Planning Director may require additional information beyond that listed in this subsection or elsewhere in Titles 16 through 18 – such as a traffic study or other report prepared by an appropriate expert.*
- D. *In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Planning Director has been submitted.*
- E. *At a minimum, the applicant must submit the following:*
 1. *One (1) copy of a completed City application form that includes and may not be accepted without the following information:*
 - a. *An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.*

An accurate and complete legal description of the subject properties were submitted as requested on March 12, 2008. The legal description of tax lot 3600 is included as Exhibit "A" of this report.

CITY OF MOLALLA
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038

phone: (503) 829-7526 fax: (503) 829-6872

planner@molalla.net/planner2@molalla.net

- b. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s).*

The application for this land use review was filed by the involved land owner. This application included names, addresses and contact information for the involved parties. Exhibit "B" verifies consent by the respective property owners to proceed with this review.

- 2. A complete list of the permit approvals sought by the applicant.*

Exhibit "C" to this report details the narrative and accompanying exhibits pertinent to the review sought. The introduction section of this document specifies the development proposal. In general, the applicant wishes to annex tax lot 3600 to the existing City of Molalla boundary. In addition, the applicants are requesting a zone change and partition of tax lot 3600.

- 3. Proof of ownership of the property to the satisfaction of the Planning Director.*

Proof of ownership through County records was included as part of the record and deemed acceptable by the Planning Director.

- 4. A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, the presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal which explains how the criteria are, or can be met, and any other information indicated by staff at the pre-application conference as being required.*

Exhibit "C" contains details on existing site conditions.

- 5. The identity and contact person for any affected City-recognized neighborhood association.*

The City has no record of an "Officially Recognized Neighborhood Association" for this area at the time of this application.

- 6. Up to twelve (12) copies of all reports, plans, site plans and other documents required by the section of this code corresponding to the specific approval(s) sought.*

The applicant submitted six (6) 8 1/2 x 11" copies of a preliminary plat which included details of the existing location of all structures on the site as well as the dimensions and area of the proposed lots. This submission has been deemed acceptable for the purpose of this application.

- 7. Site Plan:*

- a. The applicant shall submit with the application a site plan showing the following:*

- 1) All building locations with overhangs and critical dimensions;*
- 2) Vehicle Circulation;*
- 3) Parking Areas;*
- 4) Landscaped Areas;*
- 5) Walkways;*
- 6) Contours;*

- 7) *Utility Lines;*
- 8) *Adjacent Streets and Rights-of-Way; and,*
- 9) *Location of additional right-of-way dedication to improve that portion of street.*

Site Improvement Plans – The existing and proposed location of structures on-site, the existing and proposed vehicle circulation system, existing and proposed parking as well as landscaped areas, existing and proposed walkways, drainage contours, utilities, adjacent streets and rights-of-way and in their application.

- b. At least one (1) copy of the site plan and all related drawings shall be in a readable/legible 8 1/2 x 11" format for inclusion into the City's bound record of the application.*

The applicant did submit one copy of the application in an 11" x 17" format.

8. *Mailing Labels:*

- a. The applicant shall submit five (5) sets of mailing labels, in a format specified by the Planning Director, for notice to all parties entitled under section 16.06.080 to receive mailed notice of the application*
- b. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*

Self-adhesive mailing labels were provided with the application.

9. *All Required Application Fees*

The required application fees were submitted with application materials on November 9, 2008. In the amount of \$4,200.00 was delivered to the Planning Department by Mr. Al Borromeo.

17.20 DESIGN STANDARDS

17.20.010 Principles of Acceptability

The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform to the requirements of state laws and the standards established by this title.

This application is for the annexation, zone change, design review, master plan and partition of tax lots 1900, 1901 and 2000 (partition of tax lot 1900 only) assessor's map 5S2E07A. Staff is aware of at least one pending application in this area of W. Main St. (4 Corners Annexation CA 2007-7). The proposal for this pending application will be considered in the review of this application.

17.20.020 Streets – Generally

All existing and planned streets shall be shown on development plans. The location, width, and grade of street shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

The applicant shows existing streets but does not show the 1/2 street improvements to be made as part of the West Lane development which was the result of a previous subdivision approval. The applicant shall provide detailed engineering drawings showing the width and grade of these expansions of West Lane along with a new site plan that shows actual lot square footages after the adjustment.

17.20.030 Streets – Minimum right-of way and roadway widths

Unless otherwise shown, in a development plan, the width of streets and roadways (in feet) shall not be less than the following:

The City of Molalla’s Transportation System Plan (adopted June 2001) identifies West Lane as a local street. A local street cross-sections requires a 50 foot right of way with 2 lanes of traffic, on-street parking, 5-foot sidewalks, and a landscape strip.

The applicants are being required to provide the extension of the half street improvement to West Lane. This will bring the layout of the street to a full street standard.

Table 2: Minimum Right-of Way and Roadway Widths

Classification	Cross-section	Minimum Right-of-Way	Center Turn Lane(s)?	Travel Lanes	Bike Lanes?	Sidewalks?	On-Street Parking	Landscape Strip
Local	2 lanes	50 feet	No	Not Striped	No	5 foot	Yes	Yes
Neighborhood Street/Minor Collector	2 lanes	50 feet	No	12 foot	No	5 foot	Yes	No
Major Collector	2 lanes	60 feet	No	12 foot	No	10 foot	Yes	No
Downtown	3 lanes	60 feet	Yes	12 foot	6 foot	5-8 foot	No	No
Rest of City								
Arterial								
Downtown	2 lanes	60 feet	No	12 foot	No	Yes	Yes	No
Rest of City	3 lanes	60 feet	Yes	12 foot	6 foot	Yes	No	No
Molalla Forest Road	2 lanes + median	60 feet	Raised Median	12 foot	6 foot	Yes	Ni	No

*8 feet in C-1 and C-2 Zones; 5 feet elsewhere

17.20.040 Streets – Reserve Strips

Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the City Council.

Reserve strips shall be removed from the southern portion of West Lane bordering this property and no additional reserve strips shall be required.

17.20.050 Streets – Alignment

All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignment resulting in “T” intersections shall leave a minimum distance of two-hundred (200) feet between the centerlines of streets having approximately the same direction, and otherwise shall not be less than one-hundred (100) feet.

The alignment was set with the opening of West Lane in a previous application. This application will only extend those previous requirements for build out of West Lane.

17.20.060 Streets – Future Extension

Where necessary to give access to or permit a satisfactory future subdivision of adjoining land and to be consistent with the requirements of section 17.12.050 through 17.12.070, streets shall be extended to the boundary of the subdivision.

- A. *The resulting dead-end may be approved without a turnaround, if such extension is less than two-hundred fifty (250) feet in length.*
- B. *Reserve strips and street plugs may be required to preserve the objectives of street extensions. No building permit shall be issued at the end of any street without prior approval of the Planning Director.*

No future extensions would occur as a result of this application.

17.20.070 Intersection Angles

Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a more shallow angle, but in no case less than sixty (60) degrees unless there is a special intersection design. Streets shall have at least fifty (50) feet of tangent adjacent to the intersection, unless topography requires a lesser distance.

Intersection angles were set as a previous approval for the West Lane extension.

17.20.080 Streets – Existing

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

West Lane exists and shall be developed to full local street standards as a result of this application being approved.

17.20.090 Streets – Half Streets

Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with the other requirements of these regulations and when it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objective of half-streets.

A half street currently exists and shall be brought up to full street standards. No other half streets are being proposed.

17.20.100 Streets – Cul-de-sacs

- A. *Cul-de-sacs shall be approved only when street connections are otherwise not possible due to topography or natural area constraints.*
- B. *A street terminating with a cul-de-sac shall be as short as possible, and shall have a maximum length of four-hundred (400) feet, and serve no more than eighteen (18) single-family dwellings if classified by the Planning Director to be the final terminus of a street.*
- C. *The circular portion of the cul-de-sac shall have a minimum radius of fifty (50) feet or shall otherwise be approved by the Planning Director.*
- D. *Parking in the circular portion shall be prohibited unless approved by the Planning Director.*
- E. *If a street is projected to continue in a given area, the Planning Director or Hearings Officer may require a temporary cul-de-sac to be constructed.*
- F. *The temporary cul-de-sac or turnaround shall be constructed in any new subdivision in which the cul-de-sac street is over two-hundred fifty (250) feet in length and extends to the property line. The construction standards for the area outside the projected curb line shall be as follows:*
 1. *The sub-grade roadbed shall be graded and compacted;*
 2. *Two (2) inches of asphalt or concrete shall be installed over the compacted sub-grade;*
 3. *An asphalt or concrete roll curb shall be provided around the perimeter of the turnaround;*
 4. *The cost of future curb extensions and a removal of a temporary turnaround shall be required of the developer in accordance with the following procedure;*
 - a. *The Planning Director shall calculate the cost for removal of a temporary turnaround and curb extension.*

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- b. *This cost of construction shall be deposited with the City Treasurer by the developer prior to the final plat being approved by the Planning Director.*
- G. *After the above items are complete, the City shall then be responsible for the removal of the turnaround and the placement of the curb at the time the street is to be extended into the adjacent property.*
- H. *The temporary turnaround shall be indicated on the final plat as an easement to be vacated outside of the dedicated right-of-way when the street is extended into the adjacent property.*
- I. *The building setbacks for the areas abutting the temporary turnaround shall be computed from the projected extension of the street right-of-way.*

No cul-de-sacs are proposed.

17.20.110 Streets – Names

No street name shall be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the City, and shall be subject to the approval of the City.

The name of the street currently exists as West Lane and shall remain.

17.20.120 Streets – Grades and Curves

Grades shall not exceed seven (7) percent on major or secondary arterials, ten (10) percent on collector streets, or fifteen (15) percent on any other street. In flat areas, allowance shall be made for finished streets grades having a minimum slope of five-tenths (0.05) percent. Centerline radii of curves shall not be less than three-hundred (300) feet on major arterials, two-hundred (200) feet on secondary arterials, or one-hundred (100) feet on other streets, and shall be to an even ten (10) feet. On arterials, there shall be a tangent of not less than one hundred (100) feet between reversed curves.

The abovementioned criteria have been met within this application.

17.20.130 Streets – Adjacent to Railroad Rights-of-way

Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

The application contained herein is not adjacent railroad rights-of-way and therefore this criterion does not apply.

17.20.140 Streets – Access

- A *Any subdivision or portion thereof proposed to have twenty-five (25) or more dwelling units shall be laid out with two (2) or more means of access to collector streets. Access to collector streets shall be by permanent dedicated public roadways built to City standards.*
- B *Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Director may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.*

These criteria are not applicable for the purpose of this review.

17.20.150 Streets – Alleys

- A Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Director.*
- B While alley intersection and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than ten (10) feet.*

No alleys are being created with the proposed application and therefore this criterion does not apply.

17.20.160 Blocks – Generally

The length, width, and shape of blocks shall be designated with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of limitation and opportunities of topography.

The general size of the proposed block and future blocks appears adequate for the proposed use and should accommodate development according to the underlying zoning district.

17.20.170 Blocks – Sizes

Blocks shall not exceed one-thousand two-hundred (1,200) feet in length between street lines, except blocks adjacent arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterials is one-thousand eight-hundred (1,800) feet.

The block, which was approved as part of a prior application is just over 500 foot in length.

17.20.180 Blocks – Easement for Utility Lines

Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of twelve (12) feet in width and centered on interior lot lines except for guy wire tie-back easements, which shall be six (6) feet wide by twenty (20) feet long along lot lines at change of direction points of easements.

All utilities shall be placed in the right-of-way as required by Public Works Design Standards consistent with the rest of the developed subdivision.

17.20.190 Blocks – Easement for Watercourses

Where a subdivision is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the watercourse, and such further widths as will be adequate for the purpose. Streets or parkways parallel to major watercourses may be required.

No watercourses exist on or adjacent to the development therefore this criterion is met.

17.20.200 Blocks – Pedestrian Ways

In blocks over eight-hundred (800) feet in length, a pedestrian way with a minimum width of ten (10) feet shall be provided through the middle of the block when desirable for public convenience. If unusual condition require blocks longer than one-thousand two-hundred (1,200) feet, two (2) pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sac or to pass through unusually shaped blocks.

This criterion does not apply.

17.20.210 Lots – Size and Shape

Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall meet the following conditions:

- A. The minimum dimension of a lot shall conform to that required in the subject zoning district.*

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B. *The square footage of a lot shall not be less than that allowed in the subject zoning district, with the following exception:*

1. *Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Director. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide facilities required by the type of use and development contemplated.*
2. *Lots facing the circular end of a cul-de-sac shall have a minimum street frontage of forty (40) feet.*

The proposal contained in this application meets the aforementioned criteria regarding lot size and shape.

17.20.220 Lots – Access

Each lot shall abut a public street.

All parcels subject to this review will have access to a public street. Lot 1 takes access from Leroy Avenue while lots 2 and 3 would take access from West Lane.

17.20.230 Lots – Flag

Flag lots shall not be created unless it is the only feasible way of developing property. Flag lots shall be subject to the following standards:

- A. *The creation of a flag lot shall not conflict with a proposed street extension.*
- B. *Flag lots created on adjoining properties shall have adjoining accessways, but in no case shall more than two adjoining accessways be created.*
- C. *The location of flag lot accessways shall be subject to approval by the Planning Director. The Planning Director may disapprove the location of any flag lot accessway which is not consistent with the requirements of the Comprehensive Plan, City ordinances and standards, or which could create a traffic hazard.*
- D. *No more than eight (8) dwelling units may be located on a flag lot.*
- E. *Accessways shall meet the following requirements:*

Table 1 Minimum Accessway and Improvement Widths

Number of Lots or Units	Minimum Accessway Width	Minimum Improvement Width
1 Flag Lot with an accessway serving 1 or 2 dwelling units	20 Feet	16 Feet
1 Flag Lot with an accessway serving 3 - 8 dwelling units	24 Feet	20 Feet
2 Flag Lots with adjoining accessways, each serving 1 dwelling unit	20 Feet	16 Feet
2 Flag Lots with adjoining accessways, each serving a total of 2 - 8 dwelling units	24 Feet	20 Feet

1. *Accessways shall be paved with a minimum of two (2) inch asphalt surfacing and four (4) inches of crushed rock base.*
2. *Accessways shall be contoured to meet the existing ground level.*

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3. *The accessway shall be for access to a lot(s) and shall not be included as part of the minimum area required for the lot.*
 4. *Accessways shall not be extended more than one-hundred and fifty (150) feet unless written approval for a longer accessway is obtained from the Fire Chief.*
- F. *The Planning Director may require other information necessary to carry out the intent of this title and the Comprehensive Plan.*

No flag lots are being proposed therefore this criterion does not apply.

17.20.240 Lots – Accessways

- A. *All lots serviced by an accessway shall provide a continuous traffic flow pattern as approved by the Planning Director.*
- B. *Single-family lots containing a single-family residence are exempt from this requirement.*
- C. *No parking shall be allowed within an accessway.*

Lots shall meet the requirements of MMC 21.02.

17.20.250 Lots – Through

Through lots shall be avoided, except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, may be required along the line of lots abutting such as a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one-hundred and ten (110) feet. The City may impose conditions regarding maintenance of the planting screen. This section shall not apply to through lots created for the purpose of condominium or row house developments.

No through lots shall exist or are proposed as a result of approving this application.

17.20.260 Lots – Side Lines

The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Side lines of lots in this development proposal run at right angles as far as practicable.

17.20.270 Large Lot Subdivision

In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Director may require that the blocks shall be of a size and shape, be divided into lots and contain building side restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots or smaller size.

This criterion does not apply.

17.20.280 Building Lines

If special setback lines are to be established in the subdivision, they shall be shown on the subdivision plan and included in the deed restrictions.

No special setbacks are being requested in this application.

17.20.290 Parks

- A. *New subdivisions or portions thereof shall provide space for parks in the ratio of one (1) acre to every one-hundred (100) estimated residents. For purposes of this calculation, there shall be a rebuttal presumption that each dwelling unit contains 2.8 individuals. For subdivisions of ten (10) units or less, the Planning Director may approve other recreational facilities.*
- B. *Wetlands and other required open space shall not be used in the acreage calculations for subsection (A) of this section.*
- C. *The City may charge a park in lieu of fee when park space is not necessary for the size of the development.*

The applicant shall be required to pay a park in lieu of fee for lots 2 and 3. Such fee shall be equal to 2 times the Park SDC in place at time of building permit issuance.

17.20.300 Entrances

- A. *Subdivisions with twenty-five (25) or more lots shall have at least one (1) clearly defined entrance, which shall conform with the following:*
 - 1. *Entrances shall be landscaped and maintained. Landscaping shall be designed with due regard to corner vision and site distance requirements.*
 - 2. *Entrances shall have and illuminated stone or masonry structure with the name of the development, and at least six (6) inch lettering.*
 - 3. *The design of the entrance shall be consistent with the character of the surrounding area.*

No entrances are required as a result of this application.

17.32 PARTITIONING

17.32.010 General Provisions

Partitioning shall be consistent with all of the following requirements:

- A. *Partitioning shall satisfy the dimension, density, yard and property area requirements of the underlying zoning district.*

The partition proposed meets the minimum lot dimension requirements of the requested zone (R1), which is 60 feet; no dimension of the 3 parcels is less than this minimum requirement.

- B. *Accessways must meet the requirements in section 17.20.230.*
- C. *No partition shall be approved which leaves any parcel without direct access to a public street.*

Parcel 1 will continue to take access onto Leroy Avenue while lots 2 and 3 will take access onto West Lane.

- D. *Property shall not be partitioned more than once in any twelve (12) month period.*
- E. *Partitions shall be surveyed and monumented in accordance with Oregon law, and a survey conforming to Oregon law shall be filed with the City Recorder and the County Surveyor.*
- F. *The partition must be consistent with ORS Chapter 92.*

The applicant is proposing 2 single family homes on lots 2 and 3. Currently lot 1 has a single-family home located on it.

17.32.020 Submittal of Map and Information

- A. *Applications of partitions shall be submitted to the City on forms provided for that purpose, and accompanied by a fee to be set by resolution of the City Council.*
- B. *Each application shall be accompanied by six (6) copies of a tentative plan drawn to a scale of not less than one inch equals twenty feet (1":20'), nor more than one inch equals two-hundred feet (1":200'), and containing the following information:*
 1. *The date, north point, scale and a sufficient description to define the location and boundaries of the parcel to be partitioned and its location in the planning control area;*
 2. *Name and address of the record owner and of the person who prepared the map;*
 3. *Approximate acreage of the parcel under a single ownership or, if more than one (1) owner is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;*
 4. *For land adjacent to and within the parcel to be partitioned, the location, width and names of all streets; the location and size of sewers, water lines, drainage ways and power poles;*
 5. *Outline and location of existing buildings to remain in place;*
 6. *Lot layout showing size and relationship to existing or proposed streets and utility easements;*
 7. *Such additional information as required by the Planning Director or his designee approved by the City Council.*

The abovementioned materials are provided in a map submittal by the applicant.

17.32.020 Approval Process

- A. *The approval of a partition shall follow Type I land use procedures in the procedures ordinance codified in Chapter 16.06 of the Molalla Municipal Code.*
- B. *A partition in conjunction with another proposed land use action shall be processed as a consolidated application using the most restrictive land use procedure that applies as specified in Chapter 16.04 of the Molalla Municipal Code.*
- C. *If the partition application and its supporting materials conform to the provisions of this chapter, and all conditions of approval have been satisfied, the Planning Director and the City Planner shall signify approval by their signatures on the survey map and the issuance of an approval letter.*
- D. *The partition plat shall be recorded and filed with the County Surveyor's office, along with legal descriptions of the properties affected by the partition.*
- E. *No building permits or development permits shall be issued for a tract that is dependent on a partition until the plat has been recorded and filed with the County Surveyor.*

Chapter 18.16: R1 DISTRICT

18.16.010 Purpose and function.

The R1 District is primarily intended for single-family detached dwellings and manufactured homes on lots consisting of not less than six thousand, three hundred (6,300) square feet.

18.16.020 General and dimensional provisions.

General dimensional provisions for the R1 district are as follows:

- A. *Minimum lot area: six thousand, three hundred (6,300) square feet.*

- B. *Minimum lot dimension: sixty; (60) feet.*
- C. *Minimum front setback:*
1. *Twenty (20) feet from the property line;*
 2. *For lots on a corner:*
 - a. *Front of building shall have a minimum front setback of twenty (20) feet from the property line;*
 - b. *Side of building shall have a minimum setback of fifteen (15) feet from the property line along the street, which intersects the street used for calculating the front setback.*
- D. *Minimum side and rear setbacks:*
1. *Six (6) feet on each side and seven (7) feet on the rear;*
 2. *Along designated stream corridors, the setbacks shall meet the requirements in Chapter 18.68.*
- E. *Maximum building height of three and one-half (3 1/2) stories, but not to exceed forty-five (45) feet measured from any point on the perimeter of the building.*
- F. *All lots within the R1 District shall also comply with the provisions of Chapters 18.44, 18.48 and 18.50.*
- G. *Parking:*
1. *A minimum of two (2) off-street parking spaces, at least one of which shall be covered, are required per dwelling unit.*
 2. *Required off-street parking shall not be allowed within the required front setback.*
 3. *All driveways and parking areas shall be improved with concrete or asphalt pavement.*

These requirements have or shall be met as a result of developing the site.

18.16.030 Principal uses permitted outright.

The principal uses permitted outright shall be as follows:

- A. *One single-family detached dwelling structure on each lot.*
- B. *Manufactured homes are permitted on individual lots outside manufactured home parks under this section provided that they comply in all respects with the standards set forth in Section 18.56.005 of this title.*

The applicants are requesting single-family homes.

18.16.040 Accessory uses permitted outright.

Accessory uses permitted outright shall be as follows:

- A. *Any use customarily incidental and subordinate to a principal use permitted outright.*

- B. *Garage or carport.*
- C. *Gardening and horticultural activities and related structures for noncommercial purposes.*
- D. *Home occupations as provided in Section 18.78.*
- E. *Signs subject to the requirements of Chapter 18.50.*

No accessory uses are being requested as a result of this application.

18.16.050 Conditional uses permitted.

- A. *Except as noted below, approval of a conditional use shall not be granted unless the proposal meets the criteria under Section 18.76.010 and the applicable provisions of Chapters 18.60 and 18.64.*
- B. *The following conditional uses may be permitted in an R1 district:*
 - 1. *Church;*
 - 2. *Cemetery;*
 - 3. *Golf course, including clubhouse, but not an independent pitch-and-putt course or golf driving range;*
 - 4. *Governmental building for administrative or protective services;*
 - 5. *Manufactured home parks, pursuant to the provisions in Section 18.58;*
 - 6. *Manufactured home used as a permanent residence for a night watchman or caretaker (see Section 18.56).*
 - 7. *Noncommercial storage areas within subdivisions or condominium developments for the storage of recreational vehicles, boats, trailers, fifth wheels and other vehicles, available for use only by residents of the subdivision or condominium development, and meeting the requirements of Section 18.76.075 of this code.*
 - 8. *Private nursery school, kindergarten, or child care center on a lot having a minimum area of ten thousand (10,000) square feet, provided there is established in connection therewith a play lot having a minimum area of four hundred (400) square feet plus an additional forty (40) square feet for each child in excess of ten (10), which play lot is separate from adjoining properties by a sight-obscuring fence;*
 - 9. *Private club, lodge, convent, social or recreational building, or community assembly hall, except those having a chief activity carried on for monetary gain;*
 - 10. *Public park, playground, or recreational area, and buildings used in connection therewith;*
 - 11. *Public or semipublic building serving as a library, museum, or other similar purpose;*
 - 12. *Public, private, or parochial school;*
 - 13. *Telecommunication facilities.*

No conditional uses are being requested as a result of this application.

Chapter 18.92: ZONE CHANGES

18.92.010 Approval requirements.

A zone change may be allowed after a hearing conducted pursuant to the Type IV procedure of this code, provided that the applicant provides evidence substantiating the following, unless otherwise provided for in this title:

- A. Approval of the request is consistent with the Comprehensive Plan; and*
- B. The area in which the zone change is proposed will be adequately served by existing or planned transportation, water, sewer and storm drainage systems, and any projected increased demand for other types of public facilities or services can be met within a reasonable time.*
- C. All zone changes shall conform to the Transportation System Plan. Proposed amendments shall not substantially impact the functional classification or operation of transportation facilities.*

18.92.020 Plan amendment.

If a plan amendment is required as a result of the proposed zone change, the plan amendment shall be processed at the same time as the zone change.

Chapter 18.93: ANNEXATIONS AND BOUNDARY CHANGES

18.93.010 Title

The ordinance codified in this chapter shall be known as the "Annexation and Boundary Change Ordinance" and may be so cited and pled and shall be cited in this chapter as "this chapter."

18.93.020 Purpose

- A. The purpose and general intent of the ordinance codified in this chapter is to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other boundary changes.*
- B. The City recognizes that annexations are major land use actions affecting all aspects of City government, and that other boundary changes and extensions of services must also be regulated.*
- C. With respect to annexations, the procedures and standards established in this chapter are required for review of proposed annexations in order to:
 - 1. Encourage development of properties already within the City limits before conversion of urbanizable areas;*
 - 2. Attempt to not create islands of unincorporated territory within the corporate limits of the City;*
 - 3. Provide adequate public information and sufficient time for public review before an annexation election;*
 - 4. Maximize citizen involvement in the annexation review process;*
 - 5. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and,*
 - 6. Ensure adequate time for staff review.**
- D. With respect to boundary changes or extensions of services other than annexations, the purpose and general intent of this chapter is to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable Comprehensive Plans.*
- E. The regulations and requirements of ORS 222 are concurrent obligations for annexation and are not affected by the provisions of this chapter.*

18.93.030 Procedures for major boundary changes and for minor boundary change other than annexations.

- A. *With respect to major boundary changes and for minor boundary changes other than for annexations, the procedures that shall be followed shall be those provided by the laws of the state of Oregon.*
- B. *Withdrawal from a district.*
 - 1. *The City Council may provide for the withdrawal of territory from a district described in ORS 222.111, when land is annexed into the City.*
 - 2. *Any such withdrawal shall be specifically set forth in the final order of the City Council approving the annexation.*

18.93.040 Annexation Application

- A. *Annexations of territory shall be accomplished by any method allowable under ORS Chapter 222, as now enacted or hereafter amended, or by any other method allowable under Oregon law.*
- B. *Applications shall be submitted on forms provided by the City, and shall be processed under a Type IV land use procedure.*
- C. *The City Council shall establish the filing fee for such applications by resolution.*
- D. *Pre-application conference: Prior to submitting an annexation application, the applicant shall confer in the Director in the manner described in 16.06.040.*
- E. *Neighborhood Contact.*
 - 1. *Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized neighborhood association or associations within which the property proposed to be annexed is located.*
 - 2. *If the Director deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the Director.*
 - 3. *Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.*
- F. *Signatures on Consent Form and Application.*
 - 1. *The applicant shall sign the consent form and the application for annexation or boundary change.*
 - 2. *If the applicant is not the owner of the property proposed for annexation or boundary change, the owner shall sign the consent form and application in writing before the Director may accept the same for review.*
- G. *Zone Change.*
 - 1. *Applications for annexations of territory shall be accompanied by an application for a zone change in order to apply a City zoning designation to the territory to be annexed.*

The applicant is requesting that the zone be changed from the current designation of RRFF5 (county designation) to R1 – Single-Family Residential (city designation).
 - 2. *Such application for a zone change shall be processed with the application for annexation by consolidated application.*
- H. *Contents of Application.*
 - 1. *An applicant seeking to change a boundary or annex land to the City shall file with the Director the appropriate application form.*
 - 2. *The application shall include the following:*

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- a. *The statutory authority under which the application filed;*
- b. *Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*
- c. *A legal description of the territory to be annexed, meeting the relevant requirements of ORS Chapter 308. Descriptions by reference to tax lot numbers are not permitted.*
 - 1) *If such a description is not submitted, a boundary survey may be required.*
 - 2) *A lot and block description may be substituted for the metes and bounds description if the area is platted.*
 - 3) *If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*
- d. *Names and addresses.*
 - 1) *A list of all property owners and their addresses within the affected territory;*
 - 2) *A list of property owners and their addresses within three hundred (500) feet of the subject property and if applicable, those property owners whose property will be left as an un-annexed "island" by the annexation proposal;*
 - 3) *A list of all electors and their addresses within the affected territory;*
 - 4) *A list of all persons entitled to notice of the application;*
 - 5) *The names and addresses specified in this subsection shall also be provided on five (5) sets of self-adhesive mailing labels acceptable to the Director;*

This information was included in the applicants' submittal packet and has been deemed acceptable for the purposes of this review.

- e. *Two (2) full quarter-section county tax assessor's maps, with the subject property(ies) outlined.*
- f. *Five (5) copies of a site plan, drawn to scale (not greater than one (1) inch = fifty (50) feet), indicating:*
 - 1) *The location of existing structures (if any);*
 - 2) *The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;*
 - 3) *The location and direction of all water features on and abutting the subject property;*
 - 4) *Approximate location of areas subject to inundation, storm water overflow or standing water;*
 - 5) *Base flood data showing elevations of all property subject to inundation in the event of one hundred (100) year flood shall be shown;*
 - 6) *Natural features, such as rock outcroppings, marshes or wetlands, wooded areas, slide areas, slopes exceeding forty-five (45) degrees and significant areas of vegetation,*
 - 7) *General land use plan indicating the types and intensities of the proposed, or potential development;*
 - a. *If applicable, an elector/majority worksheet, certification of ownership and voters.*
 - b. *Certification of legal description and map, and boundary change data sheet on forms provided by the City.*
 - c. *The current tax assessed value of all property within the affected territory.*
 - d. *A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:*

This information is provided in the applicants' submittal packet and is included in Exhibit "A" of this report. In summary, there is a 10" water and 10" sewer line running east and west on West Lane Street.

- 1) *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities, and any other urban services including a listing of the present urban services providers in the affected territory;*
 - 2) *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
 - 3) *Statement of additional facilities, if any, required to meet the increased demand, any proposed phasing of such facilities in accordance with projected demand and a list of all proposed urban service providers;*
 - 4) *Statement outlining the method and source of financing required to provide additional facilities, if any;*
 - 5) *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*
 - 6) *Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small sub community or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*
 - 7) *Statement indicating the type and nature of any Comprehensive Plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.*
- e. *A narrative statement addressing the criteria in Section 16.08.050; and,*
- f. *Any other information required by state law.*

These criteria can be met.

18.93.050 Annexation Criteria

The City Council may approve an application for annexation to the City of Molalla if the following criteria are met:

- A. *The territory to be annexed is within the Urban Growth Boundary of the City of Molalla.*
- B. *The application complies with all requirements of state law.*
- C. *The territory to be annexed is contiguous to the City or separated from it only by a public right of way or a stream, lake or other body of water.*
- D. *There exists a need for additional property within the City limits, in light of the current availability of developable land and the rate of development of those lands.*
- E. *Adequate access exists to the site.*
- F. *Adequate public facilities and services will be available to serve the territory, and they can be made available in an orderly and economical fashion.*
- G. *The annexation will not result in significant adverse impacts on specially designated open spaces, or designated scenic, historic or natural resource areas;*
- H. *The size of the territory to be annexed is of adequate dimension so as to maximize the utility of the land resource and to enable the logical and efficient extension of services to that territory.*

I. *The application satisfies any applicable goals and policies of the City's Comprehensive Plan.*

The territory to be annexed lies within the existing Urban Growth Boundary. The proposed development is also adjacent to the City on the east and north sides. Adequate access exists to the site via West Lane. Services currently exist on site.

18.93.060 Annexation procedures

- A. *Following submission of an annexation proposal or initiation, the application shall be processed pursuant to a Type IV procedure. The Director shall set a date for hearing with the Planning Commission.*
- B. *The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the City Council within ten (10) business days.*
1. *The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan.*
 2. *For all annexations the decision shall state how the proposal will:*
 - a. *Conform to the City's Comprehensive Plan;*
 - b. *Affect the community's air resources;*
 - c. *Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;*
 - d. *Relate to areas with natural hazards;*
 - e. *Affect the fish and wildlife in the proposed annexation;*
 - f. *Utilize energy resources and conserve energy use;*
 - g. *Protect open spaces and scenic views and areas;*
 - h. *Provide for transportation needs in a safe, orderly and economic manner;*
 - i. *Provide for an adequate, orderly and efficient arrangement of public services;*
 - j. *Provide for the recreation needs of the citizens;*
 - k. *Affect identified historical sites and structures and provide for the preservation of such sites and structures;*
 - l. *Improve and enhance the economy of the City;*
 - m. *Not have any adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation; and,*
 - n. *Provide quality, safe housing through a variety of housing types and price ranges.*
- C. *The City shall set a date for a public hearing with the City Council upon receipt of the Planning Commission's recommendation.*
1. *Notice shall be pursuant to the proposed method of annexation.*
 2. *After considering all testimony the City Council shall sustain or reverse the Planning Commission's recommendation.*
 3. *The City Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan.*
 4. *The decision shall state how the proposed annexation will address the criteria stated in 16.08.050 (B) (2).*

18.93.070 Annexation by Election

- A. *The City Council, upon approval of the annexation application, has the authority to submit, except when not required under ORS. 222.850 to 222.915, the proposal for annexation to the registered voters of the City.*
- B. *If City Council submits the annexation proposal to the votes, the election shall comply with ORS 222.*
- C. *Signs posted.*
 - 1. *When an annexation proposal is set for an election the applicant shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than six (6) square feet in size.*
 - 2. *The Department of Public Works shall supply the appropriate sign upon payment of the required fee by the applicant.*
 - 3. *The sign shall be removed by the application within ten (10) days following the election.*

18.93.080 Effective Date of Annexation

- A. *Upon approval of the annexation, the City Council shall set the final boundaries of the territory to be annexed by ordinance. The Director shall then provide notice of the annexation approval to all persons and entities entitled to such notice pursuant to ORS 222.*
- B. *The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and 16.08.080 (B).*
- C. *Thereafter, the annexed territory shall be and remain part of the City.*
- D. *The date of such filing shall be the effective date of annexation, provided such filing is not made later than ninety (90) days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.*
- E. *The City Council shall establish the zoning district upon annexation of the property to the City in accordance with the Comprehensive Plan.*

18.93.090 Withdrawals of Territory

The City Council may, on its own motion, order the withdrawal of territory from the City as provided in ORS Chapter 222, as now enacted or hereafter amended, or by any other method allowable under Oregon law.

These criteria can be met.

STAFF RECOMMENDS APPROVAL OF THIS ANNEXATION, ZONE CHANGE, AND PARTITION TO THE PLANNING COMMISSION WITH THE FOLLOWING CONDITIONS OF APPROVAL:

Check when Complete

CONDITIONS TO BE COMPLETED PRIOR TO PLAT SIGN-OFF

- 1. Dedicate the remainder (1/2 street) of West Lane to the City.

CONDITIONS TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

- 2. County and City right of way permits are required for all work done inside the City of County public right of way.

- 3. In general capacity for providing potable water for a development of this size exists within the system. During the engineering design and submittal the applicant will be required to provide the city demand forecasts and recorded fire flow testing to insure required fire flow and residual pressures can be met.

- 4. The applicant has provided no projected sanitary flows for this specific project. Typical

CITY OF MOLALLA
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038

phone: (503) 829-7526 fax: (503) 829-6872

planner@molalla.net/planner2@molalla.net

treatment and conveyance capacity for a development this size exists within the City system. Concurrent with the applicants' submittal of the engineered public improvements the applicant shall provided design calculations that identify peak flows and downstream capacity analysis.

- 5. An engineered drainage report shall be provided at time of plan submittal.
- 6. Provide grading and erosion control plans pursuant to MMC 21.70.
- 7. The applicant shall be required to pay a park in lieu of fee for lots 2 and 3. Such fee shall be equal to 2 times the Park SDC in place at time of building permit issuance.

ADDITIONAL CONDITIONS TO BE COMPLETED

- 8. Where existing structures are to be demolished, remodeled or moved; permits must first be obtained
- 9. Any requests for deviation for the above requirements shall be submitted in writing to the Authority Having Jurisdiction for review.
- 10. Any on-site sewage disposal systems shall be abandoned in conformance with DEQ and Clackamas County requirements, any site domestic or irrigation wells shall also be properly abandoned.
- 11. No certificate of occupancy shall be issued until all conditions of approval have been met.
- 12. The partition shall be surveyed and monumented in accordance with Oregon law, and such survey shall be filed with the City Recorder and the County Surveyor within one year from the date the application is approved.
- 13. The applicant shall supply four copies of the plat, two of which are for the City Record and two for the County Surveyor and County Assessor. The applicant will be responsible for the delivery of these documents.
- 14. The applicant shall provide proof of recording to the City of Molalla Planning Department.
- 15. Any roof mounted equipment, including communication equipment, must be screened from view from adjacent public streets with the exception of solar heating panels.
- 16. Because the refuse and recycling facility does not indicate a proposed height, Staff is requesting as a condition of approval that the screening walls of this facility be 6 feet in height.
- 17. New residential development shall be served by public utilities including water, sanitary sewer, and storm water and will be subject to all charges and regulations of the City of Molalla. Water and sewer hookup allocations will be assigned on a first come first serve basis and will be assigned at the time building permits are applied for. In the event of a moratorium on development, the approval period for the final plat will be extended by the period for such a moratorium.
- 18. All utilities, including franchise utilities shall be installed and placed underground by the developer with individual service to each lot.
- 19. This proposal requires installation of new public improvements. All public improvements shall:
 - a. Conform to the latest "City of Molalla Public Works Design Standards and latest municipal code.
 - b. Require completion of a sidewalk and driveway permit where applicable prior to beginning construction.

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planner@molalla.net/planner2@molalla.net

c. Be designed by a professional engineer registered in the State of Oregon. The developer shall provide engineering drawings to the City for final review and acceptance.

- 20. A permanent striping plan shall be included in the public improvement plan review submittal.
- 21. Water service fees are required prior to service connection. Any new water meter service must be installed by the City.
- 22. Engineered public improvement water plan and profile drawings must be submitted for approval in accordance with Molalla design standards.
- 23. Sanitary sewer service fees are required prior to service connection.
- 24. Engineered public improvement sanitary sewer plan and profile drawings must be submitted for approval in accordance with Molalla design standards.
- 25. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties.
- 26. Engineered public improvement storm sewer plan and profile drawings must be submitted for approval in accordance with Molalla design standards.
- 27. Details shall be provided on the public and private plans for any storm water detention or treatment facilities.
- 28. Obtain approval of all curb ramps from Director of Public Works/City Engineer
- 29. Utility services shall be placed underground. If undergrounding is not feasible the applicant shall be required to place the appropriate wire and materials underground as required for undergrounding. This will allow for undergrounding to occur at such time it is feasible to do so. The applicant shall provide a plan approved by PGE to be included in this file that shows details of what process will be taken along with other fees and procedures to complete the project.
- 30. All storm water shall be screened and or fenced as required by the Public Works Director/City Engineer at the time of engineering review.
- 31. All drainage shall be approved by the Public Works Director/City Engineer as part of the engineering review.
- 32. The number and locations of fire hydrants shall be approved by the Molalla Fire Marshal prior to plan approval.
- 33. This project shall meet all of the requirements as set by the 2007 Oregon Fire Code, The Oregon Fire Code Metro Code Committees Guide, Molalla Fire District, 2007 International Building Code and the City of Molalla.
- 34. All curbed areas with in 10' each direction of the center line of a hydrant or FDC shall be painted red and labeled in white with "NO PARKING FIRE LANE" in letters with a stroke width of not less than one inch wide by six inches high at regular spaced intervals. Regular maintenance of these areas shall be required and shall not exceed one year. This maintenance shall be responsibility of the property owner.
- 35. The proposed development shall comply will all relevant criteria of MMC Chapter 21.10: Sprinkling of Certain Buildings and Fire Hydrant Locations

Grading and contouring shall not create an adverse impact on neighboring properties and shall be further reviewed by the Planning Department as part of the Grading and Erosion Control permit. A permit shall be required at the time of grading and at the time of building to ensure grading and erosion control measures are being adhered to.

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- 36. The proposed development shall comply will all relevant criteria of MMC Chapter 21.16: Landscaping
- 37. The proposed development shall comply will all relevant criteria of MMC Chapter 21.90: Trees
- 38. The applicants shall provide the right-of-way dedication as necessary to accommodate the planned cross section identified in the local Transportation System Plan shall be provided through deed to the City of Molalla. All development shall be approved through engineering standards by the Public Works Director/City Engineer.
- 39. All right of way necessary to comply the TSP needs to be dedicated to the city of Molalla as part of the partition process.
- 40. The proposed development shall comply will all relevant criteria of MMC Chapter 21.20: Address Display Requirements
- 41. The proposed development shall comply will all relevant criteria of MMC Chapter 21.80: Dark Skies

This map was prepared for assessment purpose only.

SW1/4 NE1/4 SEC. 8 T5S. R2E.W.M.
CLACKAMAS COUNTY

O.L.G.
HUGH GORDON NO. 40

5 2E BAC
MOLALLA

1" = 100'

SEE MAP 5 2E 8A

CONCRETE TIE LOTS
1900M1 2200
1900M2 2300
1900M3 2700
1900M4 3400
1900M5 3801
4800



SEE MAP 5 2E 8B

SEE MAP 5 2E 8A

SEE MAP 5 2E 8C

SEE MAP 5 2E 8C

5 2E 8A
MOLALLA
BOOK 40



Firwood Design Group, LLC

Surveying • Engineering • Planning

39120 Proctor Blvd., Suite #1
Sandy, Oregon 97055

Tel: (503) 668-3737

Fax: (503) 668-3788

March 6, 2008

City of Molalla
PO Box 248
Molalla, OR 97038

Attn: Shane Potter
Planning Director

**RE: *Annexation Legal Description-109 Leroy Street
City of Molalla, Oregon (Al Borromeo)***

Enclosed is the legal description and supporting documents for the proposed annexation of property located at 109 Leroy Street. Should you have any questions on the above or need additional information or copies, please let me know.

Sincerely,

Firwood Design Group, LLC

A handwritten signature in black ink, appearing to read 'Bruce W. Erickson'.

Bruce W. Erickson, PE
Principal Engineer

Enclosures
C: Al Borromeo



Firwood Design Group, LLC
Surveying • Engineering • Planning

39120 Proctor Blvd., Suite #1
Sandy, Oregon 97055

Tel: 503-668-3737

Fax: 503-668-3788

March 4, 2008

LEGAL DESCRIPTION

TAX LOT 3600

CLACKAMAS COUNTY ASSESSOR'S MAP: 5 2E 8AC

A tract of land situated in the Northeast quarter of Section 8, Township 5 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Lot 4, Cascade Acres No. 1, Clackamas County Subdivision Plat No. 642.

Above said tract containing 0.758 acres more or less, and subject to easements of record.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2000
DAN L. GILBERT
60121



First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By: Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872
---------------	---

OWNERSHIP INFORMATION

Owner	: Borrromeo Alfred M/Cheryl B	Ref Parcel Number	: 52E08AC03600
CoOwner	:	T: 05S R: 02E S: 08 Q: 253	
Site Address	: 109 Leroy St Molalla 97038	Parcel Number	: 01091446
Mail Address	: 33217 S Adams Rd Molalla Or 97038		
Telephone	: Owner: Tenant:	County	: Clackamas (OR)

SALES AND LOAN INFORMATION

Transferred	: 04/07/2006	Loan Amount	: \$176,000
Document #	: 006-031483	Lender	: National City Mortgage
Sale Price	: \$220,000	Loan Type	: Conventional
Deed Type	: Warranty	Interest Rate	: Adjustable
% Owned	: 100	Vesting Type	: Married Persons

PROPERTY DESCRIPTION

Map Page & Grid	: 837 D1
Census	: Tract: 239.00 Block: 1
Improvement Type	: 121 Sgl Family,R1-2,1-story
Subdivision/Plat	: Cascade
Neighborhood Cd	:
Land Use	: 101 Res,Residential Land,Improved
Legal	: 642 CASCADE AC LT 4
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: \$74,954
MktStructure	: \$62,660
MktTotal	: \$137,614
M50 Assd Total	: \$92,922
% Improved	: 46
05-06 Taxes	: \$1,037.08
Exempt Amount	:
Exempt Type	:
Levy Code	: 035013
Millage Rate	: 11.1607

PROPERTY CHARACTERISTICS

Bedrooms	: 2	Building SF	: 939	Stories	: 1
Bathrooms	: 1.00	1st Floor SF	: 939	Garage SF	:
Fireplace	:	Above Ground SF	: 939	Lot Acres	:
Heat Type	: Stove	Upper Finished SF	:	Lot SF	:
Interior Material:	Drywall	Unfin Upper Story	:	Year Built	: 1947
Exterior Finish	: Concrete Blk	Upper Total SF	:	Year Appraised	:
Floor Cover	: Carpet	Finished SF	: 939	Appraisal Area	:
Roof Type	: Composition	Basement Fin SF	:	School District	: 035
Roof Shape	: Gable	Basement Unfin SF	:	Utility District	:
Foundation	: Concrete	Basement Total SF	:		


This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

TRANSACTION 4440037491



Transnation
The Agency of Oregon

Clackamas County Official Records 2006-031483
 Sherry Hall, County Clerk



00960926200600314830020028 \$31.00
 04/07/2006 03:01:43 PM

D-D Cnt=1 Stn=5 BEV L.
 \$10.00 \$11.00 \$10.00

After recording return to:
 Alfred M. Borromeo
 33217 S. Adams Rd
 Molalla, OR 97038

Until a change is requested, all tax statements shall be sent
 to the following address:
 Alfred M. Borromeo
 33217 S. Adams Rd
 Molalla, OR 97038

STATUTORY WARRANTY DEED

Pauline R. Andrews, Grantor, conveys and warrants to Alfred M. Borromeo and Cheryl B. Borromeo,
 husband and wife, Grantee, the following described real property free of encumbrances except as
 specifically set forth herein:

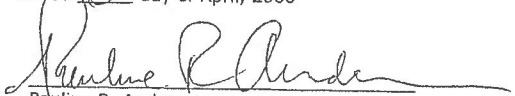
Lot 4, Cascade Acres No. 1 Clackamas County, Oregon

Tax Account No. 01091446

This property is free of encumbrances, EXCEPT:
 SEE EXHIBIT "A" WITH EXCEPTIONS
 The true consideration for this conveyance is \$220,000.00

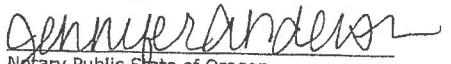
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
 SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005
 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
 DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
 FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS
 OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT
 MEASURE 37(2004)).


Dated 6 day of April, 2006


 Pauline R. Andrews

STATE OF OREGON
 COUNTY OF Clackamas

The foregoing instrument was acknowledged before me this 6th day of April, 2006 by Pauline
 R. Andrews


 Notary Public State of Oregon
 My commission expires: 03/01/2008

OFFICIAL SEAL

JENNIFER ANDERSON
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 377991
 MY COMMISSION EXPIRES MARCH 1, 2008

Order No. 44y0037491

Exhibit "A" with Exceptions

Subject to:

1. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : April 11, 1965
As : B 364; P 667

NOTE: This exception omits from said instrument any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 USC 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 USC 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.

2

Molalla Planning Department
Phone: 503-829-7526
Phone: 503-829-7526 Fax: 503-829-6872

117 N. Molalla Ave. - P.O. Box 248
Molalla, OR 97038
Email: planner@molalla.net
Website: www.molallaplanning.com



NOTICE OF PUBLIC HEARING – PLANNING COMMISSION

NOTICE CREATED ON JUNE 16, 2008

HEARING DATE & TIME: TUESDAY JULY 15 2008, 7PM CITY HALL CONFERENCE ROOM,
ENTER IN PLANNING DEPARTMENT, MOLALLA CITY HALL, 117 N.
MOLALLA AVE, MOLALLA OR 97038

FILE NUMBER: CA 2007 – 8

LEGAL DESCRIPTION: TOWNSHIP 5 SOUTH, RANGE 2 EAST, SECTION 8AC, TAX LOT
3600. ADDRESS: 109 S. LEROY AVENUE

APPLICANT: ALFRED BORROMEIO

OWNER: ALFRED BORROMEIO

PROPOSAL: CONSOLIDATED APPLICATION – ANNEXATION, ZONE CHANGE,
AND PARTITION

CURRENT ZONING: RRF-5, RURAL RESIDENTIAL FARM FOREST 5-ACRE MINIMUM

PROPOSED ZONING: R-1, SINGLE FAMILY RESIDENTIAL

STAFF: SHANE POTTER, PLANNING DIRECTOR

A public hearing will be held before the Planning Commission on the above mentioned application. Any interested party may submit written comments by email or letter to the Molalla Planning Department prior to the public hearing or attend the public meeting at the date mentioned above and submit evidence either orally or in writing. Comments should be directed at the substantive criteria. For this file those criteria are found in MMC chapters 17.32, 18.68, 18.69, 18.92, and 18.93. *Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.* The Planning Commission provides a recommendation to the City Council. The City Council may review the file denovo so only public comments made during the Planning Commission hearing may be brought up during the City Council hearing.

All data that is part of the file including, but not limited to, the application, applicable criteria, and evidence submitted with the file along with a staff report (to be completed at least 7 days prior to the hearing before the Planning Commission) shall be available for review by any interested person or organization. All reports are available for review at the Planning Department, through the website, or may be purchased for a fee at the Molalla Planning Department.

Molalla River School District
PO Box 188
Molalla, OR 97038

Molalla Telephone Co.
PO Box 360
Molalla, OR 97038

Att: Chief Stafford
Molalla Fire Department
PO Box 655
Molalla, OR 97038

Molalla Buckeroo Association
PO Box 601
Molalla, OR 97038

Eleanor Hittner, PGE
121 SW Salmon St. 1WTC0501
Portland, OR 97204

Northwest Natural Gas
220 NW 2nd St 2nd Floor
Portland, OR 97209

Planning Director, Transport &
Develop.
9101 SE Sunnybrook Rd.
Clackamas, OR 97015

Division of State Lands
775 Summer St. NE
Salem, OR 97210

OMHA
2255 State Street
Salem, OR 97301

South Clackamas Transportation
Dist.
PO Box 517
Molalla, OR 97038

911 Services
2200 Kaen Rd.
Oregon City, OR 97045

Staff Writer
365 Warner Milne Rd. Suite 110
Oregon City, OR 97045

Sonya Kazen, ODOT Region 1
123 NW Flanders
Portland, OR 97209-4037

ODOT District 2C
999 Frontage Rd., Suite 250
Troutdale, OR 97060

Loretta Kieffer, ODOT District 2B
9200 SE Lawnfield Rd.
Clackamas, OR 97015

David Ramer
35588 S Molalla Avenue
Molalla, OR 97038

Randall Gray
9101 SE Sunnybrook Blvd. DTD
Clackamas, OR 97015

Tom Foster, Mayor
PO Box 356
Molalla, OR 97038

Office of County Council
2051 Kaen Rd
Oregon City, OR 97045

Deborah Schoenborn, Councilor
365 Cole Ct
Molalla, OR 97038

Mary Jo Mackie, Councilor
1237 Meadow Dr.
Molalla, OR 97038

Paul Erickson, Planning Comm.
39330 S Sawtell Rd
Molalla, OR 97038

Glen Boreth, Councilor
623 S. Molalla Avenue
Molalla, OR 97038

Joe Greenman, Planning Comm
1029 Meadowlark Pl
Molalla, OR 97038

Tara Kramer, Planning Commission
35588 S. Hwy 213
Molalla, OR 97038

Robert Trexler, Planning Comm
180 Fenton Ave., #11
Molalla, OR 97038

Danna Jacober, Councilor
713 Oak St.
Molalla, OR 97038

Harry Ruth, Planning Commission
1136 Homestead Pl.
Molalla, OR 97038

Dick Miller, Planning Commission
PO Box 964
Mulino, OR 97042

Molalla Pioneer
PO Box 168
Molalla, OR 97038

Dick Bailey
PO Box 418
Molalla, OR 97038

Roger Peterson
PO Box 1166
Mulino, OR 97042

Clarrence Cummings Trustee
PO Box 579
Molalla, OR 97038

Molalla Church of the Nazarene
PO Box 167
Molalla, OR 97038

Coleman Corrals Inc.
15151 S. Feyrer Rd.
Molalla, OR 97038

Chicago Title Development
Services
10001 S.E. Sunnyside
Clackamas, OR 97015

WBCable, Att: Lynn Tussing
PO Box 568
Woodburn, OR 97071

Lisa Sweet
34133 S. Dickey Prairie Rd.
Molalla, OR 97038

Sue Slack
PO Box 1307
Molalla, OR 97038

Scott Clarke
114 Toliver Ct.
Molalla, OR 97038

Jim Gilbert
28696 S Cramer Rd.
Molalla, OR 97038

Torin Glynn
945 Meadowlawn Pl
Molalla, OR 97038

Michelle Mills
208 Oak St
Molalla, OR 97038

Christine Dublin
13556 S Cascadia Ct
Molalla, OR 97038

Steve Clark
332 Steelhead St
Molalla, OR 97038

LMRK GROUP LLC
PO BOX 601
WOODBURN OR 97071

YAW KATHLEEN & CRAIG
31047 S HWY 213
MOLALLA OR 97038

STUTZMAN LLC
PO BOX 307
CANBY OR 97013

MAGENHEIMER FREDERICK M TRUSTEE
PO BOX 601
WOODBURN OR 97071

DAVENPORT RICHARD W & ROBERTA M
PO BOX 853
MOLALLA OR 97038

KELBER MICHAEL W TRUSTEE
2365 GREAR ST NE
SALEM OR 97301

MOLALLA MARKET CENTER ASSOCIATES LLC
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

NEWCOMB DALE C
12843 S HWY 211
MOLALLA OR 97038

HAMREUS WAYNE W
PO BOX 960
MOLALLA OR 97038

BORROMEO ALFRED
1515 W MAIN ST STE Q
MOLALLA OR 97038

BRENTWOOD ACQUISITION CORPORATION
PO BOX 265
MOLALLA OR 97038

BENTLEY FAMILY TRUST
12933 S HWY 211
MOLALLA OR 97038

BORROMEO ALFRED
1515 W MAIN ST STE Q
MOLALLA OR 97038

HEKALA VIRGINIA TRUST
12754 S HWY 211
MOLALLA OR 97038

FORRISTALL FAMILY INVESTMENTS LLC
19538 S UNGER RD
BEAVERCREEK OR 97004

FORRISTALL FAMILY INVESTMENTS LLC
19538 S UNGER RD
BEAVERCREEK OR 97004

BORROMEO ALFRED & CHERYL
1515 W MAIN ST STE Q
MOLALLA OR 97038

FORRISTALL FAMILY INVESTMENTS LLC
19538 S UNGER RD
BEAVERCREEK OR 97004

CARROLL RICHARD & ROXANNE
12852 S HWY 211
MOLALLA OR 97038

CARROLL RICHARD & ROXANNE
12852 S HWY 211
MOLALLA OR 97038

PHILPOT FRED
12860 S HWY 211
MOLALLA OR 97038

SCHOENBORN KATHY D
12966 S HWY 211
MOLALLA OR 97038

KIRBY RUTH L-EST
12874 S HWY 211
MOLALLA OR 97038

SCHOENBORN KATHY D
12966 S HWY 211
MOLALLA OR 97038

PRICE WILLARD T
37662 S BLAIR RD
MOLALLA OR 97038

BRENTWOOD ACQUISITION CORP
PO BOX 265
MOLALLA OR 97038

MSRE LLC
201 DIXON AVE
MOLALLA OR 97038

0

CITY OF MOLALLA
PO BOX 248
MOLALLA OR 97038

VALOV WILLIAM F
2339 MONTERA
HACIENDA HEIGHT CA 91745

VALOV WILLIAM P
2339 MONTERA
HACIENDA HEIGHT CA 91745

FORRISTALL FAMILY INVESTMENTS LLC
19538 S UNGER RD
BEAVERCREEK OR 97004

JORGENSEN MITCHELL J
PO BOX 555
MOLALLA OR 97038

TOPOGRAPH

LOT 4, "CASCAD
 ASSESSORS MAP NO. 5
 LOCATED IN THE SW 1/4 OF
 TOWNSHIP 5 SOUTH, RA
 CITY OF MOLALLA, OR
 SCALE: 1" = 30'

"CLARK

S. LEROY AVENUE

WEST

PROPOSED PARCEL 1

17,395 SQ. FT.

GRAVEL

HOUSE

24" TREE

FF 101.71

FF 101.82

161.01'












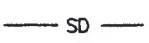

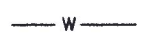

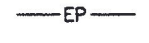

S82°00'00"E

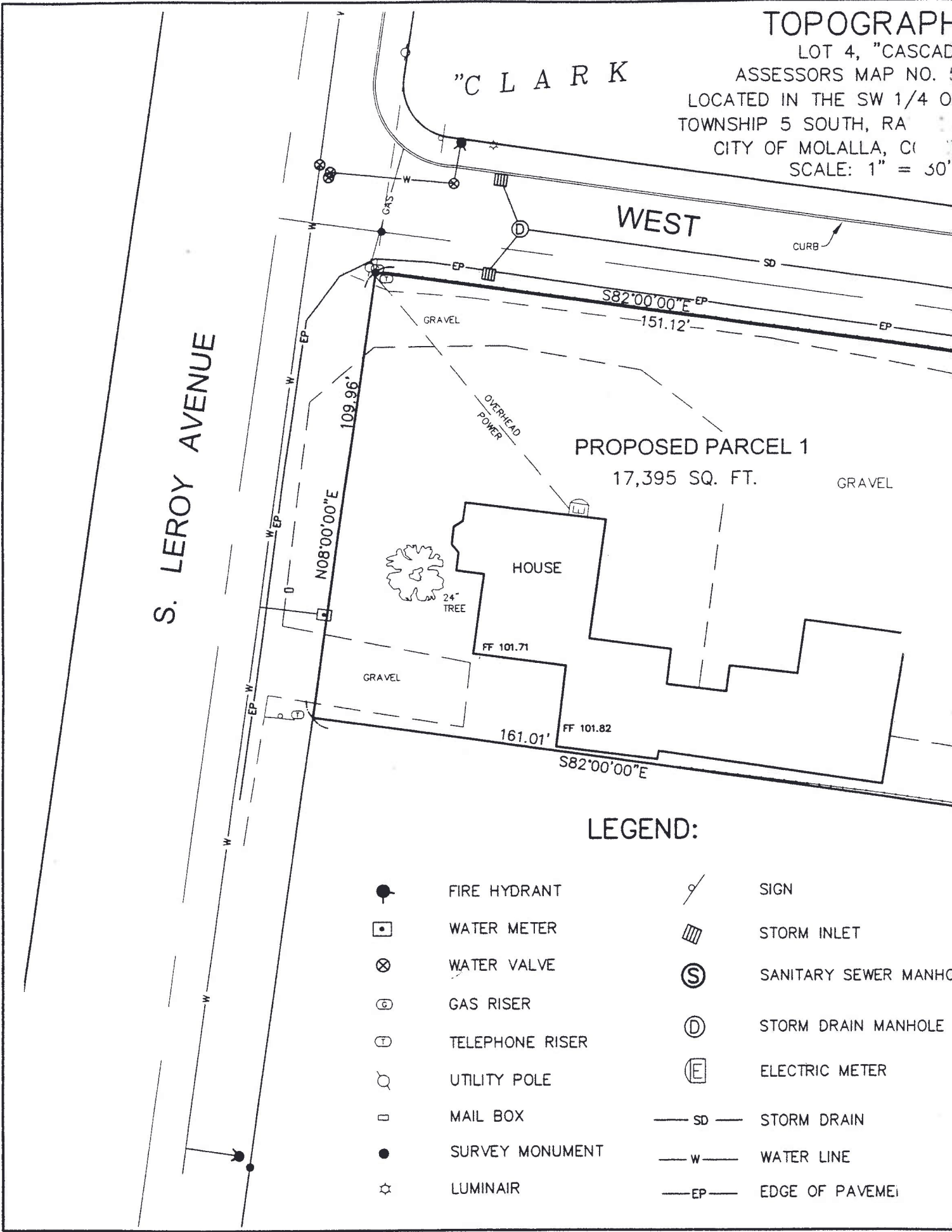
N08°00'00"E

109.96'

S82°00'00"E EP
 151.12'

LEGEND:

- | | | | |
|---|-----------------|---|----------------------|
|  | FIRE HYDRANT |  | SIGN |
|  | WATER METER |  | STORM INLET |
|  | WATER VALVE |  | SANITARY SEWER MANHO |
|  | GAS RISER |  | STORM DRAIN MANHOLE |
|  | TELEPHONE RISER |  | ELECTRIC METER |
|  | UTILITY POLE |  | STORM DRAIN |
|  | MAIL BOX |  | WATER LINE |
|  | SURVEY MONUMENT |  | EDGE OF PAVEMENT |
|  | LUMINAIR | | |



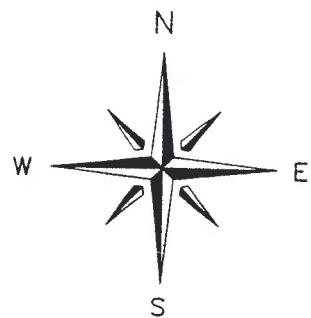
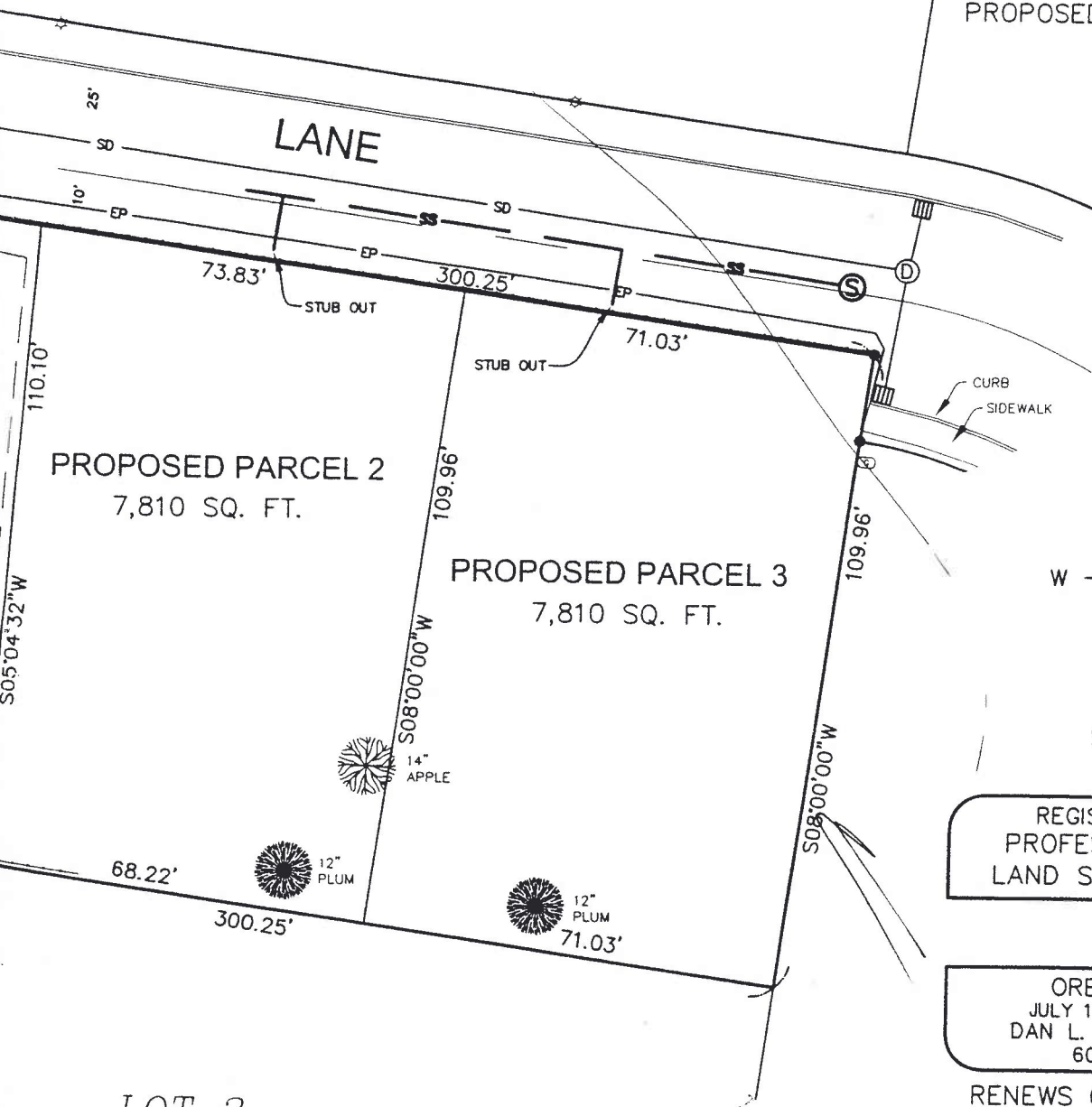
C SURVEY

ACRES NO. 1"
2E 8AC, TAX LOT 3600
THE NE 1/4 OF SECTION 8
EAS MILLAMETTE MERIDIAN
OF WACKAMAS, OREGON
SEPTEMBER 29, 2006

OWNER:
AL BORROMEO
1515 W. MAIN STREET
SUITE Q
MOLALLA, OR 97038

ZONING:
CURRENT - R.R.F.F.-5
PROPOSED - SINGLE FAMILY
RESIDENTIAL (R-1)

ESTATES



SCALE: 1"=30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2000
DAN L. GILBERT
60121

RENEWS 06/30/07

I CERTIFY THAT THIS SURVEY
WAS PREPARED USING HP 51640A INK
ON HWAN WMF POLYESTER FILM

FIRWOOD DESIGN GROUP, LLC

SURVEYING
39120 PROCTOR BLVD., SUITE #1
SANDY, OREGON 97055

ENGINEERING

PLANNING
BUS: (503) 668-3737
FAX: (503) 668-3788



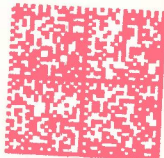
\$ 02.19⁰

02 1A

0004371076

AUG 19 2008

MAILED FROM ZIP CODE 97038



CITY OF MOLALLA

P.O. Box 248
Molalla, OR 97038
(503) 829-6855

TO:

Attention: Plan Amendment Specialist
Dept of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540