



Planning & Community Dev.

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 759-0219

communityplanner@cityofmolalla.com

AGENDA
Molalla Planning Commission
6:30 PM, May 5, 2021

Meeting Location: Molalla Adult Center
315 Kennel Avenue.
Molalla, OR 97038

The Planning Commission Meeting will begin at 6:30pm. The Planning Commission has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned in prior to the start of the Commission meeting. The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

I. CALL TO ORDER

II. SALUTE AND ROLL CALL

III. PUBLIC COMMENT – Limited to 3 minutes per person

IV. MINUTES

- April 7, 2021 Planning Commission Meeting

V. ORDINANCE REVIEW

- DCA08-2021 (Tax Lot 52E05 02002)

VI. PUBLIC HEARING

- Water Master Plan

VII. REPORTS AND ANNOUNCEMENTS

- Planners Report
- Directors Report

VIII. ADJOURNMENT



**Molalla Planning Commission
MINUTES Molalla Adult
Center
315 Kennel Ave., Molalla, OR
97038
April 7, 2021**

The April 7, 2021 meeting of the Molalla Planning Commission was called to order by Chair Rae Botsford at 6:33pm.

COMMISSIONER ATTENDANCE:

Chair Rae Lynn Botsford – Absent
Commissioner Rick Deaton – Present
Commissioner Doug Eaglebear – Present
Commissioner Jennifer Satter – Present
Commissioner Jacob Giberson – Present
Commissioner Connie Farrens – Absent

STAFF IN ATTENDANCE:

Mac Corthell, Planning Director - Present
Dan Zinder, Associate Planner – Present
Julie Larson, Planning Specialist - Present

AGENDA:

- I. CALL TO ORDER**
- II. FLAG SALUTE AND ROLL CALL**
- III. PUBLIC COMMENT** – Limited to 3 minutes per person
- IV. MINUTES:**
 - March 3, 2021 Planning Commission Meeting
- V. DISCUSSION ITEMS:**
 - Rough Proportionality
 - Residential-Industrial Compatibility
 - PC 101 Training
- VI. REPORTS AND ANNOUNCEMENTS**
 - Planning Report
 - Directors Report
- VII. ADJOURNMENT**

DECISIONS:

Planning Commission recommends City Council adopt DCA04-2021 – Rough Proportionality, an amendment to MMC 17-3.6.010

Poll: 5-0

PLANNING COMMISSION MEETING CAN BE VIEWED IN IT'S ENTIRIETY HERE:

[April 7, 2021 Planning Commission Meeting Video](#)

Chair, Rae Lynn Botsford

Date

ATTEST: _____
Mac Corthell, Planning Director

City of Molalla

Planning Commission Meeting



Agenda Category: Ordinances

Subject: DCA08-2021, Annexation and Zone Change of 52E17A 102 & 290, 52E17 2480

Recommendation: Recommend Adoption to City Council

Date of Meeting to be Presented: 5/5/21 Planning Commission, 6/9/21 City Council

Fiscal Impact: Annexation of property into the City limits provides tax revenues to the City for the newly annexed property.

Background:

The applicant is proposing to annex three contiguous, single ownership properties, containing approximately 16.30 acres, into the Molalla City Limits. All three properties are contiguous to the Molalla City limits, and within the Urban Growth Boundary. Consistent with the Molalla Comprehensive Plan, the applicant is proposing that the property be re-zoned from Rural Industrial (RI) to Heavy Industrial (M2). No new development is proposed in this application.

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

Posted for public review 4/27/21.

Exhibit 1 – Ownership Documents

Exhibit 2 – Property Report(s)

Exhibit 3 – Current, Proposed, and Comprehensive Plan Zoning

Exhibit 4 – Annexation Survey and Legal Description

Exhibit 5 – Public Utility Feasibility Plan

Exhibit 6 – Findings of Fact



ORDINANCE NUMBER 2021-00

AN ORDINANCE OF THE CITY OF MOLALLA, OREGON ANNEXING TAX LOTS 52E17A 00102, 52E17A 00290, AND 52E17 02480; A 16.30 ACRE TERRITORY LOCATED AT THE NORTHWEST CORNER OF S MOLALLA AVE AND MOLALLA FOREST ROAD, AND ASSIGNING AN M-2 (HEAVY INDUSTRIAL) CITY ZONING DESIGNATION TO THE ANNEXED TERRITORY

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

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

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

WHEREAS, The property owners submitted an application for annexation of Taxlot 52E17A 00102, 52E17A 00290, and 52E17 02480; a 16.30 acre territory located at the northwest corner of S Molalla Ave and Molalla forest road; and

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

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

WHEREAS, public notice of the annexation request and the zone change request was separately provided consistent with both MMC Section 17-4.1.050.C and ORS 227.186; and

WHEREAS, the Molalla City Council conducted a legislative public hearing on June 09, 2021, where Council heard and considered testimony and evidence presented by the City staff, the Applicant, and those appearing at the public hearing; and

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

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

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

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

Section 2. The existing Clackamas County zoning for the Property, Rural Industrial (RI) is changed to the Heavy Industrial (M-2) City zoning designation in accordance with the City of Molalla Comprehensive Plan;

Section 3. The findings related to the annexation and zone change, attached as Exhibit 6, are incorporated herein by reference and adopted.

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

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

Section 6. Assessor Valuation. In accordance with ORS 222.030 the City Recorder shall request that the County Assessor furnish within 20 days of official request, a statement showing for the current fiscal year assessed valuation of the Property.

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

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

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

The first reading of this ordinance was held on June 09, 2021 and was passed by a vote of ____ Aye and ____ Nay votes.

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

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

This ordinance is hereby adopted this ____ day of _____ 2021.

Scott Keyser, Mayor

ATTEST:

Christie DeSantis, City Recorder

EXHIBIT 1 – Ownership Documents (3 pages)

	<i>First American</i>	Owner's Policy of Title Insurance
Schedule A		ISSUED BY First American Title Insurance Company
		POLICY NUMBER 3471160

Name and Address of Title Insurance Company:

First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707.

File No.: 7012-3471160

Address Reference: 250 West 7th Street, Molalla, OR 97038

Amount of Insurance: \$1,600,000.00

Premium: \$3,000.00

Date of Policy: September 16, 2020 at 8:00 a.m.

1. Name of Insured:

Dansons Molalla, LLC, a Delaware limited liability company

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple as to Parcels I, II, III and IV; easement as to Parcel V

3. Title is vested in:

Dansons Molalla, LLC, a Delaware limited liability company

4. The Land referred to in this policy is described as follows:

Parcel I:

A tract of land Situated in the Northeast one-quarter of Section 17, Township 5 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of vacated Blocks 15, 16 and 19, METZLER AND HART'S ADDITION TO MOLALLA, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, of the Willamette Meridian, marked with a bronze disk in concrete; thence South 18°17'55" West 1160.07 feet to the Southeast corner of the land described as Exhibit B in Fee No. 2018-015788 and the true point of beginning; thence along the Westerly line of Molalla Avenue, having a right of way width of 60.00 feet, South 18°17'55" West 1178.21 feet to the point of intersection of the Westerly line of Molalla Avenue with the Northerly line of S. Molalla Forest Road, having a right of way width of 60.00 feet; thence along said Northerly line of S. Molalla Forest Road North 41°38'30" West 573.25 feet; thence continuing along the Northerly line of S. Molalla Forest Road, along a curve to the left with a radius of 572.96 feet 255.25 feet (chord bears North 54°24'16" West 253.15 feet); thence North 17°48'10" East 556.47 feet to a point on the South boundary of Fee No. 2018-015788; thence North 89°02'56" East along the South boundary of Fee No. 2018-015788, 786.64 feet to a point on the Westerly line of Molalla Avenue and the true point of beginning.

EXCEPTING THEREFROM the following:

A tract of land Situated in the Northeast one-quarter of Section 17, Township 5 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of vacated Blocks 15, 16 and 19, METZLER AND HART'S ADDITION TO MOLALLA, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, of the Willamette Meridian, marked with a bronze disk in concrete; thence South $18^{\circ}17'55''$ West 1160.07 feet to the Southeast corner of the land described as Exhibit B in Fee No. 2018-015788 and the true point of beginning; thence South $18^{\circ}17'55''$ West 458.22 feet to a point marked with a 5/8" iron rod marked with a yellow plastic cap marked "ACS&P 668-3151"; thence North $71^{\circ}58'15''$ West 367.00 feet to a point marked with a 5/8" iron rod marked with a yellow plastic cap marked "ACS&P 668-3151"; thence North $18^{\circ}17'55''$ East parallel with the centerline of Molalla Avenue 331.78 feet to a point on the South boundary of Fee No. 2018-015788; thence along the South boundary of Fee No. 2018-015788 North $89^{\circ}02'56''$ East, 388.73 feet to a point on the Westerly line of Molalla Avenue and the true point of beginning.

Parcel II:

A tract of land located in the Northeast quarter of Section 17, Township 5 South, Range 2 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being a portion of vacated P.E. & E. Railway, METZLER AND HART'S ADDITION TO MOLALLA, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, Willamette Meridian, marked by a bronze disk in concrete; thence South $18^{\circ}17'55''$ West 2338.28 feet to a one inch iron pipe at the intersection of the Northerly right of way line of S. Molalla Forest Road (a 60 foot right of way, also being former Eastern & Western Logging Co. Railway right of way) with the Westerly right of way of S. Molalla Avenue (a 60 foot right of way); thence along the Northerly line of S. Molalla Forest Road North $41^{\circ}38'30''$ West 573.25 feet; thence continuing along the Northerly line of S. Molalla Forest Road, along a curve to the left with a radius of 572.96 feet 255.25 feet (long chord bears North $54^{\circ}24'16''$ West 253.15 feet) to a point of intersection with the East line of former P.E. & E. Railway right of way (a former 80 foot right of way) and True Point Of Beginning; thence continuing along a curve to the left with a radius of 572.96 feet 46.07 feet (long chord bears North $69^{\circ}28'13''$ West 46.05 feet) to a point of tangency; thence North $71^{\circ}46'25''$ West 34.00 feet to a point of intersection with the West line of former P.E. & E. Railway right of way; thence North $17^{\circ}48'10''$ East 526.86 feet along the West line of said named right of way line to a point of intersection with the Molalla city limits line; thence North $89^{\circ}02'56''$ East 84.48 feet along said city limits line to the East line of former P.E. & E. Railway right of way; thence South $17^{\circ}48'10''$ West 556.47 feet along the East line of said named right of way line to a point on the North line of S. Molalla Forest Road and the True Point of Beginning.

Parcel III:

A tract of land located in the Northeast quarter of Section 17, Township 5 South, Range 2 East, Willamette Meridian, in the County of Clackamas, State of Oregon, being a portion of vacated Blocks 17, 18, and Down St., METZLER AND HART'S ADDITION TO MOLALLA, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, Willamette Meridian, marked by a bronze disk in concrete; thence South $18^{\circ}17'55''$ West 2338.28 feet to a one inch iron pipe at the intersection of the Northerly right of way line of S. Molalla Forest Road (a 60 foot right of way, also being former Eastern & Western Logging Co. Railway right of way) with the Westerly right of way of S. Molalla Avenue (a 60 foot right of way); thence along the Northerly line of S. Molalla Forest Road North $41^{\circ}38'30''$ West 573.25 feet; thence continuing along the Northerly line

of S. Molalla Forest Road, along a curve to the left with a radius of 572.96 feet 255.25 feet (long chord bears North 54° 24' 16" West 253.15 feet) to a point of intersection with the East line of former P.E. & E. Railway right of way; thence continuing along a curve to the left with a radius of 572.96 feet 46.07 feet (long chord bears North 69° 28' 13" West 46.05 feet) to a point of tangency; thence North 71° 46' 25" West 34.00 feet to a point of intersection with the West line of former P.E. & E. Railway right of way and True Point Of Beginning; thence North 17° 48' 10" East 526.86 feet along the West line of said named right of way line to a point of intersection with the Molalla city limits line; thence South 89° 02' 56" West 238.84 feet along said city limits line to a point of intersection with the Westerly line of vacated Block 18, METZLER AND HART'S ADDITION TO MOLALLA; thence South 17° 38' 13" West along the Westerly line thereof, also being the Westerly lines of vacated Down St. and vacated Block 17, METZLER AND HART'S ADDITION TO MOLALLA, 448.42 feet to the Northerly right of way line of S. Molalla Forest Road; thence South 71° 46' 25" East 224.87 feet along said right of way line to the True Point of Beginning.

Parcel IV:

A tract of land located in the Northeast quarter of Section 17, Township 5 South, Range 2 East, Willamette Meridian, in the County of Clackamas, State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, Willamette Meridian, marked by a bronze disk in concrete; thence South 18° 17' 55" West 2338.28 feet to a one inch iron pipe at the intersection of the Northerly right of way line of S. Molalla Forest Road (a 60 foot right of way, also being former Eastern & Western Logging Co. Railway right of way) with the Westerly right of way of S. Molalla Avenue (a 60 foot right of way); thence along the Northerly line of S. Molalla Forest Road North 41° 38' 30" West 573.25 feet; thence continuing along the Northerly line of S. Molalla Forest Road, along a curve to the left with a radius of 572.96 feet 255.25 feet (long chord bears North 54° 24' 16" West 253.15 feet) to a point of intersection with the East line of former P.E. & E. Railway right of way; thence continuing along a curve to the left with a radius of 572.96 feet 46.07 feet (long chord bears North 69° 28' 13" West 46.05 feet) to a point of tangency; thence North 71° 46' 25" West 34.00 feet to a point of intersection with the West line of former P.E. & E. Railway right of way; thence continuing along the Northerly line of S. Molalla Forest Road North 71° 46' 25" West 224.87 feet to the Westerly line of vacated Block 17, METZLER AND HART'S ADDITION TO MOLALLA and True Point Of Beginning; thence continuing along the Northerly line of S. Molalla Forest Road North 71° 46' 25" West 191.11 feet to the East line of a tract of land sold to Andy W Falk, et ux, by contract recorded January 9, 2002, Fee No. 2002-002140, Clackamas County Deed Records; thence North 18° 30' 14" East along the said East line, a distance of 384.18 feet to a point of intersection with the Molalla city limits line; thence North 89° 02' 56" East 195.48 feet along said North line to a point of intersection with the Westerly line of vacated Block 18, METZLER AND HART'S ADDITION TO MOLALLA; thence South 17° 38' 13" West along the Westerly line thereof, also being the Westerly lines of vacated Down St. and vacated Block 17, METZLER AND HART'S ADDITION TO MOLALLA, 448.42 feet to the Northerly right of way line of S. Molalla Forest Road and the True Point of Beginning.

Parcel V:

An easement for ingress and egress as described in document recorded August 28, 2017 as Fee No 2017-058796.

EXHIBIT 2 – PROPERTY REPORTS (3 pages)



Geographic Information Systems
168 Warner-Milne Rd
Oregon City, OR 97045

Property Report

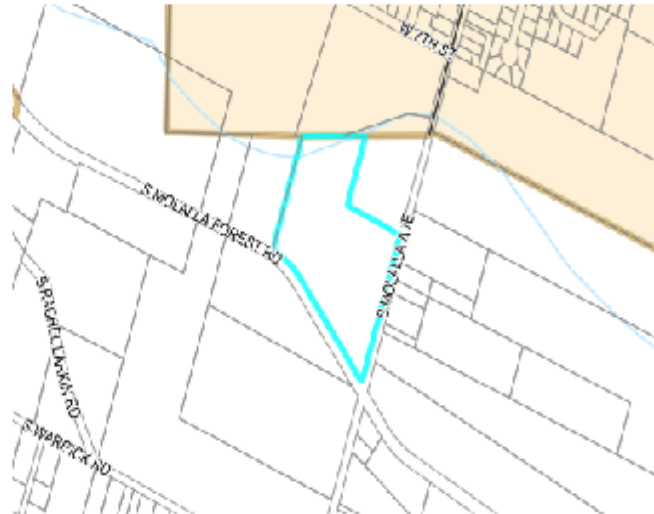
FFP INC
PO BOX 1791
MCMINNVILLE, OR 97128

Site Address: 250 W 7TH ST
Taxlot 52E17A 00102

Land Value: 74318
Building Value: 1618220
Total Value: 1692538

Est. Acres: 10.93
Year Built:
Sale Date: 06/04/2007
Sale Amount: 0
Sale Type: X

Location Map:



Land Class:

301

Building Class:

Neighborhood:

Area 02 Industrial

Taxcode Districts: 035013

Site

UGB: MOLALLA

Flood Zone: Not Available

Zoning Designation(s):

Zone	Overlays	Acreage
RI	N/A	10.93

RI N/A 10.93

Fire Molalla RFPD #73
Park N/A
School Molalla River
Sewer N/A
Water N/A
Cable n/a
CPO Molalla
Garb/Recyc Molalla Sanitary
City/County Clackamas Co.

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

Generated 04/26/2021 2:13 PM



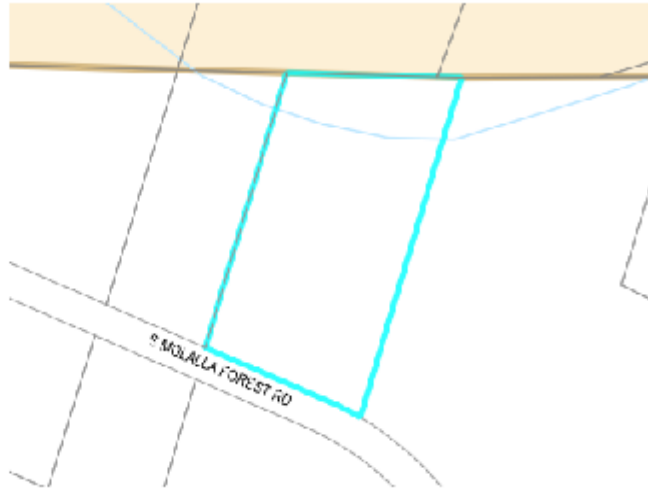
Geographic Information Systems
 168 Warner-Milne Rd
 Oregon City, OR 97045

Property Report

FFP INC
 PO BOX 1791
 MCMINNVILLE, OR 97128

Site Address: NO SITUS
 Taxlot: 52E17A 00290
 Land Value: 106829
 Building Value: 0
 Total Value: 106829
 Est. Acres: 3.39
 Year Built:
 Sale Date: 06/04/2007
 Sale Amount: 0
 Sale Type: X

Location Map:



Land Class:

300

Building Class:

Neighborhood:

Area 02 Industrial

Taxcode Districts: 035013

Fire: Molalla RFPD #73
 Park: N/A
 School: Molalla Rtver
 Sewer: N/A
 Water: N/A
 Cable: n/a
 CPO: Molalla
 Garb/Recyc: Molalla Sanitary
 City/County: Clackamas Co.

Site

UGB:

Flood Zone:

MOLALLA

Not Available

Zoning Designation(s):

Zone

RI

Overlays:

N/A

Acreage:

3.39

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

Generated 04/26/2021 2:13 PM



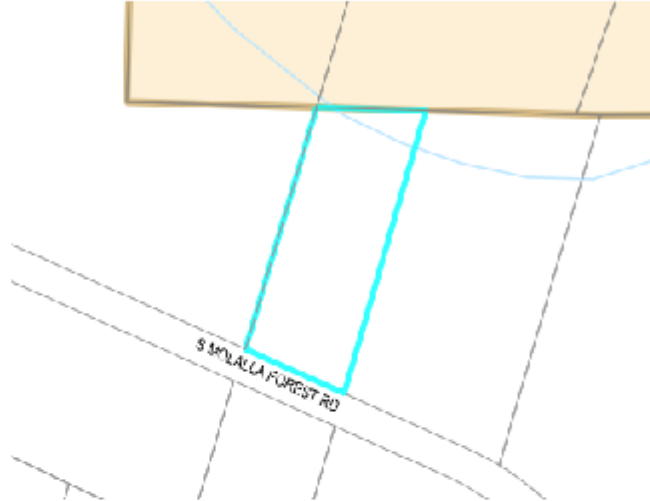
Geographic Information Systems
168 Warner-Milne Rd
Oregon City, OR 97045

Property Report

FFP INC
PO BOX 1791
MCMINNVILLE, OR 97128

Site Address: NO SITUS
Taxlot: 52E17 02480
Land Value: 96429
Building Value: 0
Total Value: 96429
Est. Acres: 1.77
Year Built:
Sale Date: 06/04/2007
Sale Amount: 0
Sale Type: X

Location Map:



Land Class:

301

Building Class:

Neighborhood:

Area 02 Industrial

Taxcode Districts: 035013

Site

UGB: MOLALLA
Flood Zone: Not Available

Zoning Designation(s):

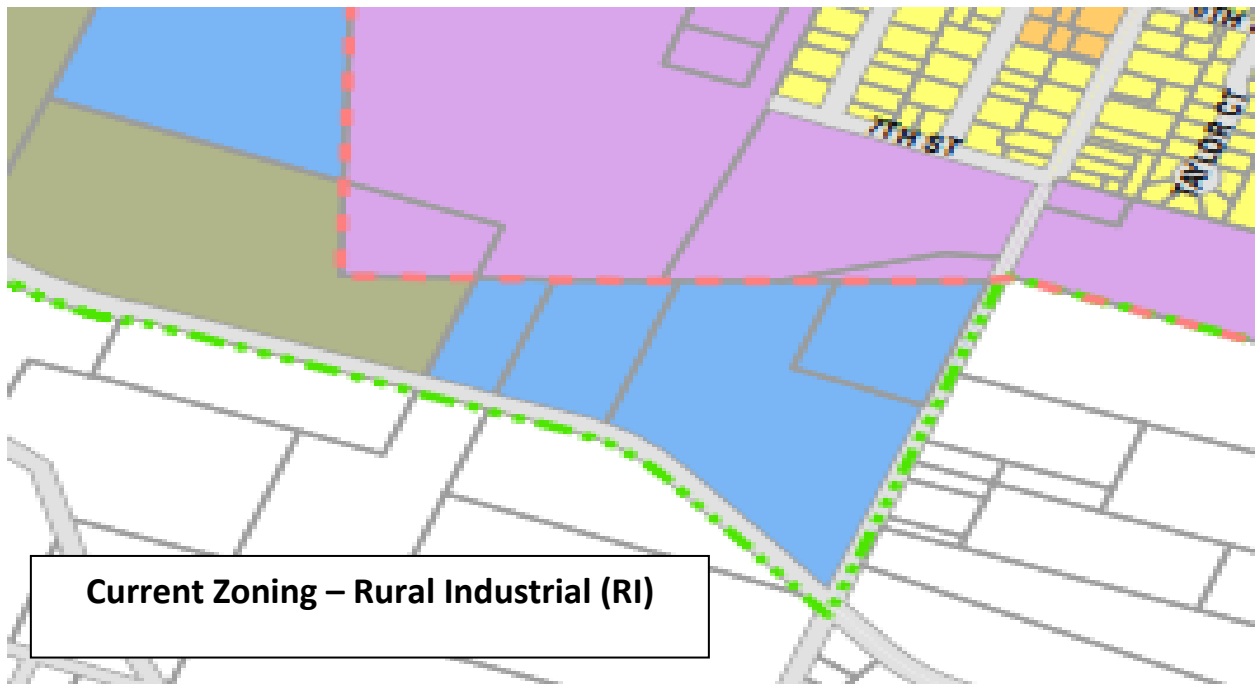
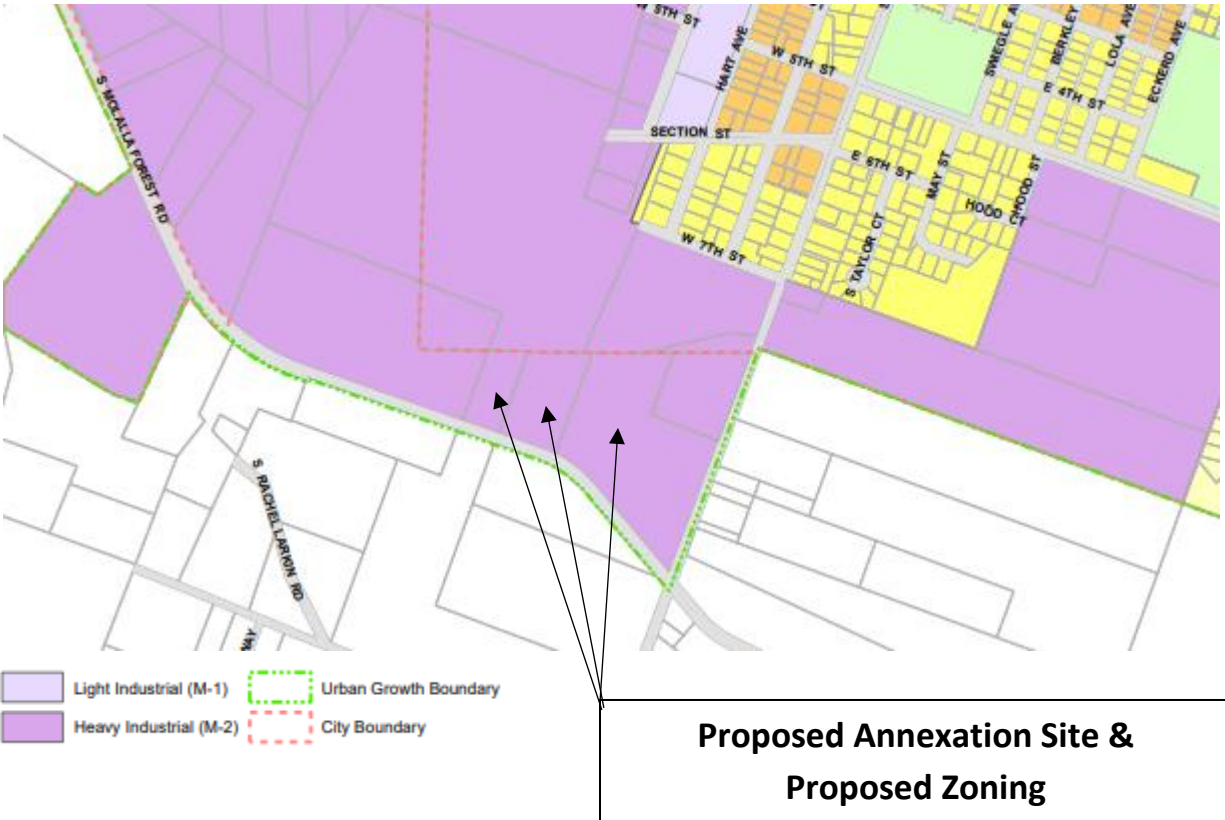
Zone	Overlays	Acreage
RI	N/A	1.77

Fire: Molalla RFPD #73
Park: N/A
School: Molalla Rtver
Sewer: N/A
Water: N/A
Cable: n/a
CPO: Molalla
Garbi/Recyc: Molalla Sanitary
City/County: Clackamas Co.

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

Generated 04/26/2021 2:19 PM

EXHIBIT 3 – Proposed Zoning (same as Comprehensive Plan) & Current Zoning





All County Surveyors & Planners, Inc.

PO Box 955 • Sandy, Oregon 97055 • Phone: 503-668-3151

Job No. 21-003
April 20, 2021

LEGAL DESCRIPTION CITY OF MOLALLA ANNEXATION - DANSONS

A tract of land located in the Northeast quarter of Section 17, Township 5 South, Range 2 East, W.M., in the County of Clackamas, State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of Section 17, Township 5 South, Range 2 East, W.M., marked by a bronze disk in concrete; thence South $18^{\circ} 17' 55''$ West 2,338.28 feet to a one inch iron pipe at the intersection of the Northerly right of way line of S. Molalla Forest Road (a 60 foot right of way) with the Westerly right of way of S. Molalla Avenue (a 60 foot right of way) and the **True Point of Beginning**; thence North $41^{\circ} 38' 30''$ West 573.25 feet along the Northerly line of S. Molalla Forest Road; thence continuing along the Northerly line of S. Molalla Forest Road, along a curve to the left with a radius of 572.96 feet 301.32 feet (long chord bears North $56^{\circ} 42' 28''$ West 297.86 feet) to a point of tangency; thence continuing along the Northerly line of S. Molalla Forest Road North $71^{\circ} 46' 25''$ West 449.98 feet to the East line of a tract of land (Fee No. 2002-002140, Clackamas County Deed Records); thence North $18^{\circ} 30' 14''$ East 384.18 feet along said East line to the Molalla city limits line; thence North $89^{\circ} 02' 56''$ East 916.71 feet along said North line to the West line of a tract of land (Fee No. 2017-072946, Clackamas County Deed Records); thence South $18^{\circ} 17' 55''$ West 331.78 feet along said West line to the South line of said tract; thence South $71^{\circ} 58' 15''$ East 367.00 feet along said South line to the Westerly right of way line of S. Molalla Avenue (a 60 foot right of way); thence South $18^{\circ} 17' 55''$ West 719.99 feet along the Westerly line of S. Molalla Avenue to the **True Point Of Beginning**.

BASIS OF BEARINGS FOR THIS DESCRIPTION IS
SN 2020-125, CLACKAMAS COUNTY SURVEY RECORDS.

CONTAINING AN AREA OF 710,063 SQUARE FEET (16.3 AC), MORE OR LESS.



RENEWS 07/01/21

EXHIBIT 6 – FINDINGS OF FACT (4 pages)

Applicable to Annexation Only

Annexation Criteria in Oregon Revised Statute 222.127

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

Staff Response: ORS 222.127 applies to this application and, by its language supersedes Chapter X, Section 38 of the City of Molalla’s charter.

2. *Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*

Finding: The city is in receipt of a petition proposing annexation of the territory described in Exhibits 1-4 of Ordinance 2021-00. The petition was filed by all of owners of land in the described territory, Dansons Molalla, LLC.

This criterion is met.

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

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

This criterion is met.

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

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

This criterion is met.

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

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

This criterion is met.

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

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

Also, see MMC 17-4.6.030 Analysis Below.

This criterion is met.

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

Finding: No additional territory is required. The territory in question is sufficient to locate infrastructure and right of way access for services necessary to develop the territory at issue in this ordinance.

This criterion is met.

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

Finding: The criteria described subsection 2 apply to the territory proposed for annexation. Therefore, the City Council shall annex the territory without submitting the proposal to the electors of the city. Ordinance 2021-02 contains the required description of the territory annexed.

This criterion is met.

Applicable to Annexation and Zone Change

MMC 17-4.6.030 Annexation & Zone Change Approval Criteria

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

(A) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

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

This criterion is not applicable.

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

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

This criterion is met.

(C) The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code;

Finding: The proposed annexation and zone change is intended to prepare the subject property for redevelopment of the site in a follow-on land use process. Approval of this proposal is expected to provide 30-40 new non-retail jobs to the Molalla Community.

Additionally, the Rural Industrial designation of this territory is not consistent with the Comprehensive Plan. The zone change will cure that inconsistency.

This criterion is met.

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

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

This criterion is met.

City of Molalla

Planning Commission Meeting



Agenda Category: Public Hearing

Subject:	Water Management, Conservation, and Water System Master Plan (WMP)
Recommendation:	Recommend City Council Adopt the Ordinance to amend the Comprehensive Plan
Date of Meeting to be Presented:	May 05, 2021
Fiscal Impact:	None
Submitted By:	Public Works Director, Gerald Fisher
Approved By:	Mac Corthell, Planning Director

Background:
Attached is a letter regarding the Planning Commission hearing for the WMP and Comprehensive Plan Amendment and recommendation to the City Council for adoption.



Public Works Department

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

May 05, 2021

TO: Planning Commission

FROM: Gerald Fisher, Public Works Director

CC: Mac Corthell, Planning Director
Dan Zinder, Associate Planner
Julie Larson, Planning Administrative Assistant

RE: May 05, 2021 Planning Commission Hearing for adoption of the Water Management, Conservation, and Water System Master Plan (#19-02) and Comprehensive Plan Amendment

PROPOSED DEVELOPMENT ACTION:

Adoption of a Water Management, Conservation, and Water System Master Plan (WMP) as a support document to the Comprehensive Plan. The WMP presents findings and recommendations relating to the City of Molalla sanitary sewer system. The plan determines the current state of the water system and plans for future needs. The primary objectives of this WMP are:

1. Satisfy the Oregon Health Authority (OHA) requirement for communities with 300 or more service connections to have a current master plan; and
2. Satisfy the Oregon Administrative Rules (OAR) 333-061-0060, Oregon Water Resources requirement for Water Management and Conservation Plans, OAR 690-086.
3. Evaluate of the existing water system components; and
4. Predict future water demands; and
5. Evaluate the capability of the existing system to meet future needs; and
6. Recommend improvements needed to meet future needs and/or address deficiencies; and
7. Reduce usage of water resources for nonessential public purposes; and
8. Undertake activities consistent with laws designed to promote conservation, prevention of waste, salvage, and reuse of water resources; and
9. Establish programs consistent with laws designed to promote conservation, prevention of waste, salvage, and reuse of water resources; and
10. Curtail, adjust, or allocate the supply of water resources for domestic, municipal, and industrial use during a water curtailment; and
11. Regulate the times and manner in which water resources are consumed.

FINDINGS OF FACT:

A. Background Information:

On March 26, 2019, the City accepted a contract modification from Dyer Partnership to provide consulting services to prepare a comprehensive WMP for the City of Molalla. Over the course of the two years, Dyer Partnership has developed a draft WMP in conjunction with input from City staff and a Technical Advisory Committee (TAC) and Project Advisory Committee (PAC). The master plan used hydrant flow testing to confirm modeling and identify potential improvements and address existing deficiencies. The master plan developed a capital improvement plan that lists each project, includes an opinion of probable costs, along with an order of priority. The total estimated cost, in 2020 dollars, for collection and treatment systems is \$39,888,400.

B. Water Management, Conservation, and Water System Master Plan Summary:

The Master Plan evaluated population, development densities, land use and other factors that affect the water system. Prior to this study much of the water system was unmapped. Because an accurate base map is necessary to evaluate the existing system and create a master plan, a significant effort was put into mapping the existing water system. Data on the existing system was obtained from a combination of record drawings, site visits, and field testing. The plan then makes recommendations for improvements and repairs to the water treatment and distribution system.

C. Review Criteria:

1. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.

Findings:

Relevant Statewide Planning Goals are:

Goal 1 Citizen Participation

The goal of the Citizen Involvement element of the Comprehensive Plan is to “Ensure that the citizens of Molalla and those residents in the planning area have an opportunity to be involved with all phases of the planning process.” This was done with a Project Advisory Committee (PAC) that included members of Planning Commission and City Council. No interest was received from members of the community and property owners to participate in the PAC or provide comments to the City during each phase of the project. Even without input, the City complied with its Goal 1 requirements allowing for participation in the process. Lastly, holding public hearings before the Planning Commission and City Council. Statewide Planning Goal Findings are included in this Staff Report under Statewide Planning Goal Findings and discussed in the context of their implementation in the adopted Molalla Comprehensive Plan.

Goal 6: Air, Water and Land Resources Quality

The goal of Air, Water and Land Resources Quality is to “cities and counties to maintain and improve the quality of air, water.” This was accomplished with evaluation of the current system to create a master plan to meet the goal and the

requirements of Oregon Drinking Water Program and Oregon Water Resources Department.

Goal 11: Public Facilities and Services

The goal of the Public Facilities and Services element of the Comprehensive Plan is to “Ensure livable and complete neighborhoods – with adequate sanitary sewer, water, storm drainage, transportation, park and school facilities.” One of the objectives of this element is to “Update its storm sewer and sanitary sewer master plan. The plan shall be designed to accommodate the growth anticipated in undeveloped portions of the Molalla Planning Area.” The purpose of the WMP is to:

1. Replace the outdated 1996 master plan and provide the City of Molalla with a comprehensive water utility document.
2. Summarize existing system deficiencies and propose improvements to enhance system serviceability.
3. Recommend improvements needed to service future growth.
4. Develop a capital improvement plan and an appropriate system implementation strategy.

Goal 14: Urbanization

The goal of the Urbanization element of the Comprehensive Plan is to “Protect agricultural and forest land outside Molalla Urban Growth Boundary until needed for development consistent with Statewide Planning Goal 14 (Urbanization).” This was done by recommending improvements to the water treatment and distribution system needed accommodate the future of growth of the City of Molalla in the 20-year scope.

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

Findings:

Molalla Comprehensive Plan Goals 1, 6, 11, and 14 are discussed under Statewide Planning Goal Findings.

3. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code.

Findings of Fact:

The current WMP element of the Comprehensive Plan was adopted in 1996. City of Molalla has experienced a significant amount of growth since 1996. The proposed master plan is much more detailed than the existing Public Facilities and Services element and is more up to date. Prior to this study much of the water system was unmapped. Because an accurate base map is necessary to evaluate the existing

system and create a master plan, a significant effort was put into mapping the existing water system. Data on the existing system was obtained from a combination of record drawings, site visits, and field testing. The amendment will improve the Comprehensive Plan by providing an up-to-date inventory and framework for wastewater and collection system improvements.

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

Findings of Fact:

Section not applicable. The document does not significantly affect a transportation facility.

D. Recommendations:

City staff recommends the following:

Planning Commission recommendation to the City Council to adopt the Water Management, Conservation, and Water System Master Plan Ordinance and Comprehensive Plan amendment.