



ORDINANCE 2022-01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scott Keyser, Mayor

ATTEST:

Christie Teets, City Recorder