



Oregon

Theodore R. Kubongski, 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

10/4/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Molalla Plan Amendment  
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, October 15, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

SEP 27 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Molalla**

Local file number: **CA 2010-2**

Date of Adoption: **September 22, 2010**

Date Mailed: **September 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 082510

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Annexed a parcel of land into the City limits of Molalla that was within the city's Urban Growth Boundary. The approval changes the zoning from county zoning to city zoning.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **RRFF-5**

to: **M-2, Heavy Industrial**

Zone Map Changed from:

to:

Location: **31824 S Hwy 213, Molalla OR 97038**

Acres Involved: **1 acre**

Specify Density: Previous: **5 acre minimum**

New: **Industrial**

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 002-10 (18348) [16349]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

State of Oregon, Clackamas County, City of Molalla

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Local Contact: **Shane Potter**

Phone: **(503) 829-7526** Extension:

Address: **117 N Molalla Ave. PO Box 248**

Fax Number: **503-829-3676**

City: **Molalla**

Zip: **97038**

E-mail Address: **planner@molalla.net**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City of Molalla  
**ORDINANCE NO. 2010-10**

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF MOLALLA  
AND APPROVING A ZONE CHANGE

The City of Molalla ordains as follows:

**Section 1.** The real properties that are subject of this ordinance are located in Township 5 South Range 2 East, Section 7D, including only the real property in tax lot 03503 being more particularly described in Exhibit C.

**Section 2.** The zoning designation of tax lot 03503 is changed from RRFF-5 (Rural Residential, Farm/Forest, 5-acre Minimum Lot Size) to M-2 (Heavy Industrial).


**Section 3.** The findings in Exhibits D are hereby incorporated by this reference and adopted as the findings in support of this Ordinance.

Adopted this 22<sup>nd</sup> day off September, 2010 by the City Council of the City of Molalla.

Approved:

  
\_\_\_\_\_  
Mike Clarke, Mayor

ATTEST this 22nd day of September 2010

  
\_\_\_\_\_  
City Recorder



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 1

123 NW Flanders Street

Portland, OR 97209-4037

503.731.8200

FAX 503.731.8259

September 15, 2010

City of Molalla  
117 N. Molalla Avenue – P.O. Box 248  
Molalla, OR 97038

Attn: Shane Potter, Planning Director

Re: **CA 2010-2 Seeley-Wada Annexation and Zone Change**

Dear City Council:

We have reviewed the proposed annexation and application of City Heavy Industrial zoning to the subject property. The proposed zoning will allow uses that generate higher volumes of traffic than the existing Rural Residential zoning. Potentially, traffic could have a "significant effect" on the transportation system insofar as a more intense use of the site could generate the need for a southbound to eastbound left turn lane on OR 213 at the easement driveway that serves this parcel.

The City's TSP calls for a future 3 lane cross section on OR 213, with the center lane to be developed either as a turn lane or raised landscaped medians. However, it is unlikely that the property owner/developer of this site could implement this improvement given the limited existing right of way on OR 213; adjacent parcels are not under the applicant's control. The City has not programmed widening of OR 213 into its transportation capital improvement program.

We are suggesting two options for the applicant to address the state Transportation Planning Rule OAR 660-12-060, which requires that zone changes consider long term impacts on the planned transportation system, and the City's Development Code 19.7.600 Compliance with the Transportation Planning Rule:

1. The applicant could conduct a traffic impact study to assess the potential impacts of "reasonable worst case" site build-out under the proposed Heavy Industrial zone to year 2025. (Reasonable worst case would include uses allowed by the code that may be more intensive than what the applicant has in mind for site development.) If the report shows a "significant impact" (e.g. need for turn lane on OR 213) would be generated, the applicant and City would need to demonstrate to ODOT that implementation of the 3 lane cross section is reasonably likely to be funded by the City and/or development. Given the issues with limited right of way, this may be difficult to show.

2. The applicant would accept a condition of approval that places a "trip cap" on the site to limit the amount of weekday pm peak hour trips onto OR 213. Per ODOT's traffic manual, 10 peak hour trips southbound to eastbound on OR 213 would trigger the need for a left turn lane. Given that the easement driveway is only utilized by two rural parcels at this time which are likely to generate less than 2 peak hour trips, ODOT would support a trip cap of 10 peak hour trips. The trip cap could sunset when alternate access to the site becomes available through extension of the local street network, or OR 213 is widened.

Based on the applicant's proposed use of the site for a small machine shop, which would likely not generate high volumes of weekday pm peak hour traffic, Option 2 appears to be the easiest way to address the OAR 660-12-060 criteria for the zone change, if it is acceptable to the applicant and the City.

I apologize that ODOT did not provide comments on this proposal at the time of the Planning Commission Hearing. Please let me know if you have questions regarding the proposed options or TPR requirements.

We look forward to reviewing the City's draft local street network plan for the industrial area. The implementation of a complete network of streets to serve this area will be critical for its economic suODOT will want to make sure that proposed connections to OR 211 and OR 213 will function safely, and address ODOT access management and signal spacing standards.

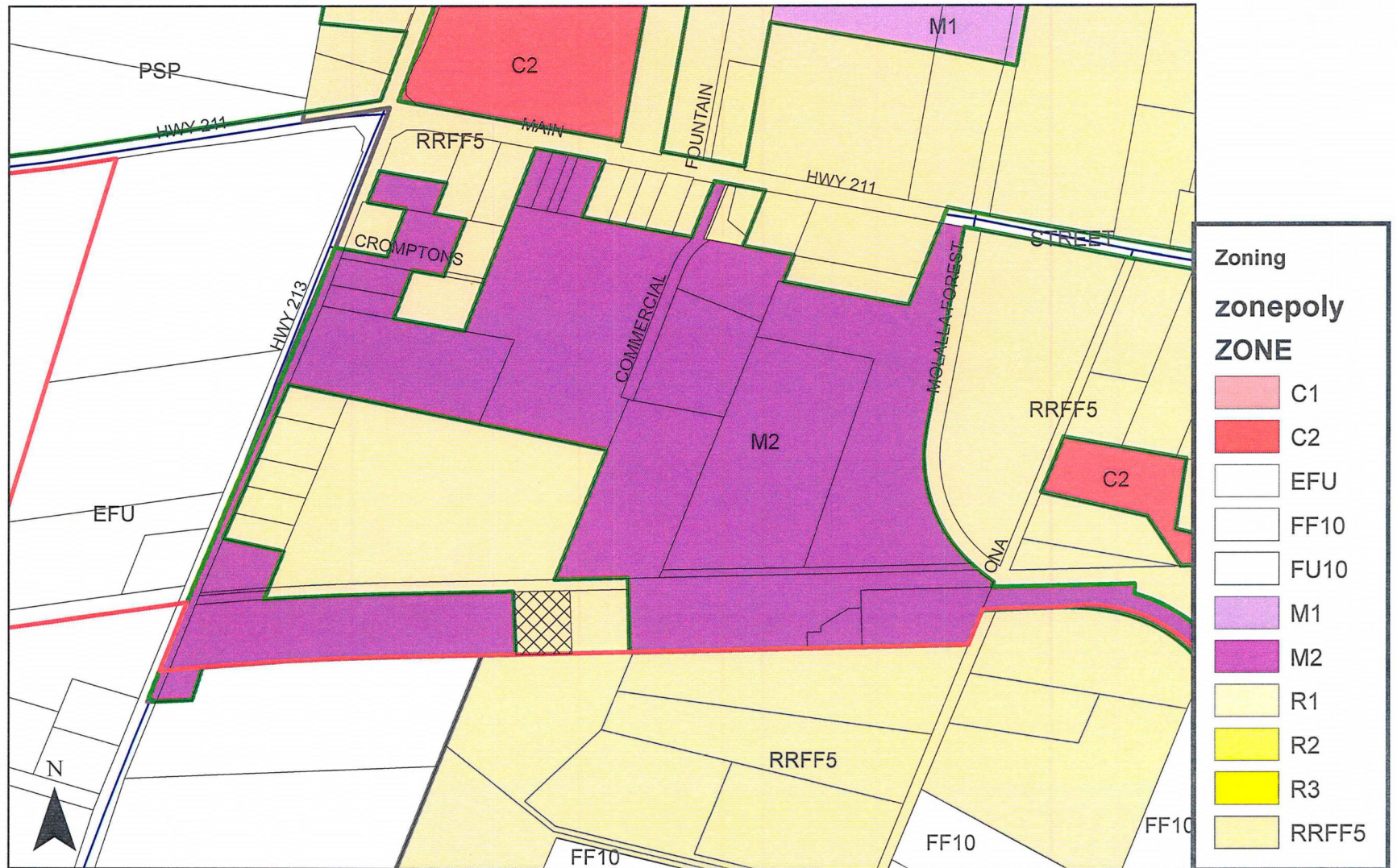
Sincerely,



Sonya Kazen, Sr. Planner

Cc: Jamie Johnk, Clackamas Economic Development

# CA 2010 - 2 Annexation/Zone Change



# EXHIBITS



FORM

# 1 DLCD Notice of Proposed Amendment

Exhibit A

in person  electronic  mailed

STATE STAMP

For DLCD Use Only

THIS FORM 1 **MUST BE RECEIVED** BY DLCD AT LEAST  
**45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**  
 PER ORS 197.610, OAR 660-018-000

Jurisdiction: **City of Molalla** Date of First Evidentiary Hearing: **July 27, 2010**  
 Local File Number: **CA 2010-2** Date of Final Hearing: **August 25, 2010**  
 Is this a **REVISION** to a previously submitted proposal?  Yes  No Date submitted: **June 7, 2010**  
 Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Urban Growth Boundary Amendment  
 Transportation System Plan Amendment  Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached"(limit 500 characters):  
**The proposal is to annex a parcel of property into the city. The property is located within the cities current urban growth boundary. The proposal also changes the zoning from a county zone to a city applied zone consistent with the comprehensive plan.**

Has sufficient information been included to advise DLCD of the effect of proposal?  Yes, text is included  
 For Map Changes: Include 8½"x11" maps of Current and Proposed designation.  Yes, Maps included  
 Plan map changed from: **RRFF-5 (Rural Residential Farm Forest)** To: **M-2 (Heavy Industrial)**  
 Zone map changed from: **No Change** To: **No Change**  
 Location of property (do not use Tax Lot): **31824 S Hwy 213**  
 Previous density: **5 acre minimum** New density: **Industrial** Acres involved: **1 acre**  
 Applicable statewide planning goals:

- 1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Is an exception to a statewide planning goal proposed?  YES  NO Goals:  
 Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only records this information):  
**State of Oregon, Clackamas County, City of Molalla**

Local Contact: **Shane Potter** Phone: **503-829-7526** Extension: **N/A**  
 Address: **117 N Molalla Ave. - PO Box 248** City: **Molalla** Zip: **97038**  
 Fax Number: **503-829-8672** E-mail Address: **planner@molalla.net**

DLCD file No. \_\_\_\_\_

# SUBMITTAL REQUIREMENTS

**This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS [197.610](#) and OAR Chapter 660, Division 18**

1. This Form 1 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 1** on light **green paper if available**.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must **include the text** of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate. **Do Not Submit Form 1 Without Supporting Documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by [ORS 197.610\(2\)](#), proposed amendments must be received at the DLCD's Salem office at least 45-days before the first evidentiary hearing on the proposal. (The clock begins on the day **DLCD Receives** your proposal in the Salem Office.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
7. DLCD would like you to submit **ONE PAPER COPY** and **ONE (1) Electronic Digital CD including any maps** (for submittal instructions, also see # 4)] MAIL the **PAPER COPY and CD** of the proposed amendment to:

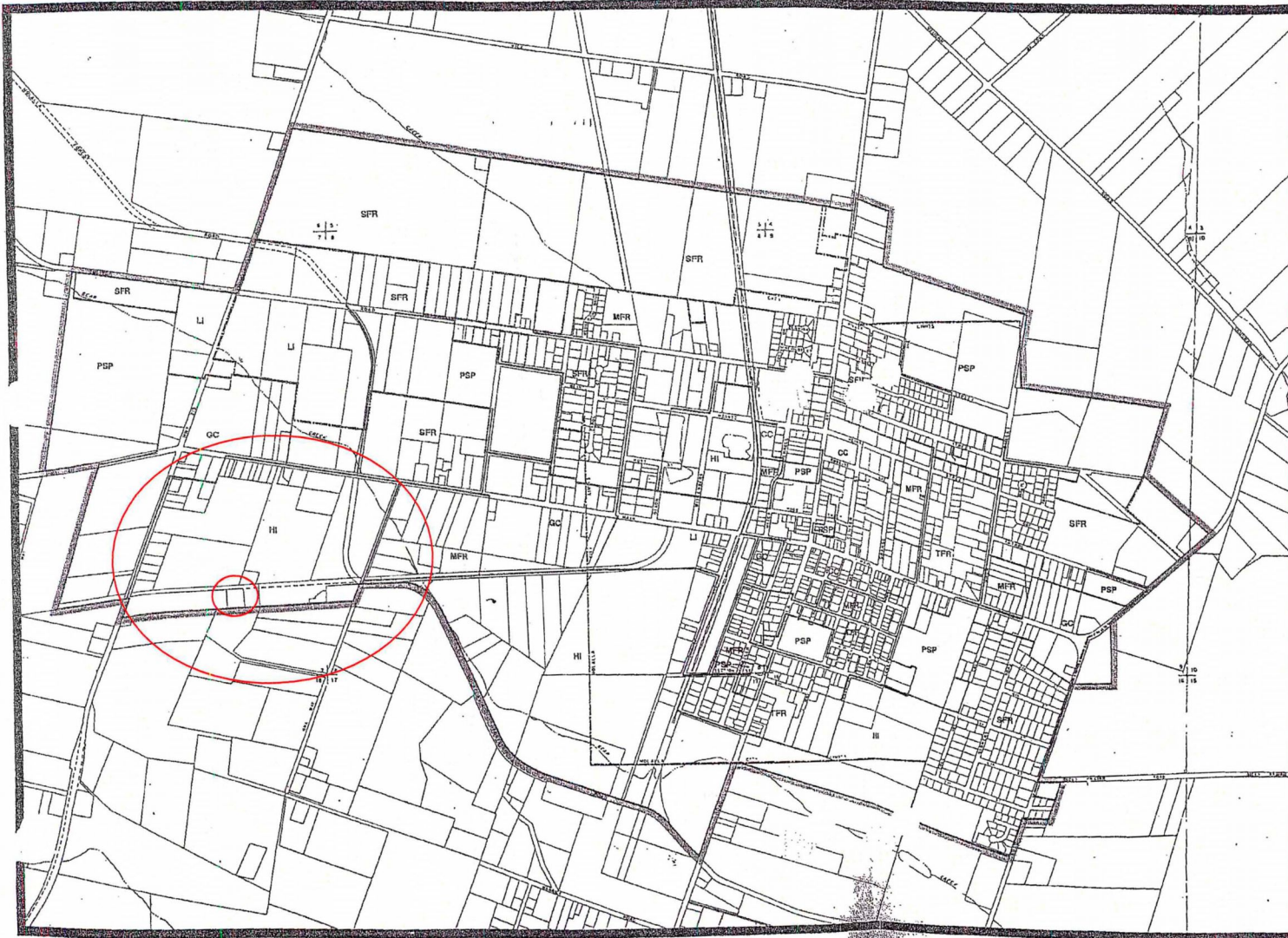
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

8. **Electronic Submittals: Must be pre-authorized to meet the Form 1 Notice of Proposed Amendment (45-day deadline) only by a phone call to the Plan Amendment Specialist**, email notification will not be acceptable for pre-authorization. After authorization an email copy maybe accepted as the substitute for the CD, and one hard copy must be sent via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
9. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print forms on **8-1/2x11 green paper only if available**. You may also call the DLCD Office at (503) 373-0050 x283; or Fax your request to: (503) 378-5518; or Email your request to [larry.french@state.or.us](mailto:larry.french@state.or.us) .

# CITY OF MOLALLA

Exhibit B

## LAND USE PLAN MAP



### LEGEND

- SFR SINGLE FAMILY RESIDENTIAL
- TFR TWO FAMILY RESIDENTIAL
- MFR MULTI FAMILY RESIDENTIAL
- CC CENTRAL COMMERCIAL
- GC GENERAL COMMERCIAL
- LI LIGHT INDUSTRIAL
- HI HEAVY INDUSTRIAL
- PSP PUBLIC OR SEMI-PUBLIC
- URBAN GROWTH BOUNDARY
- CITY LIMITS

NORTH



0 500 1000 1500 2000

SCALE IN FEET

MARCH 1987

119C

This map was prepared for assessment purposes only.

SE 1/4 SEC. 7 T5S. R2E.W.M.  
GLACKANAS COUNTY

DLC  
BENJAMIN B. JACKSON NO. 41

5 2E 7D

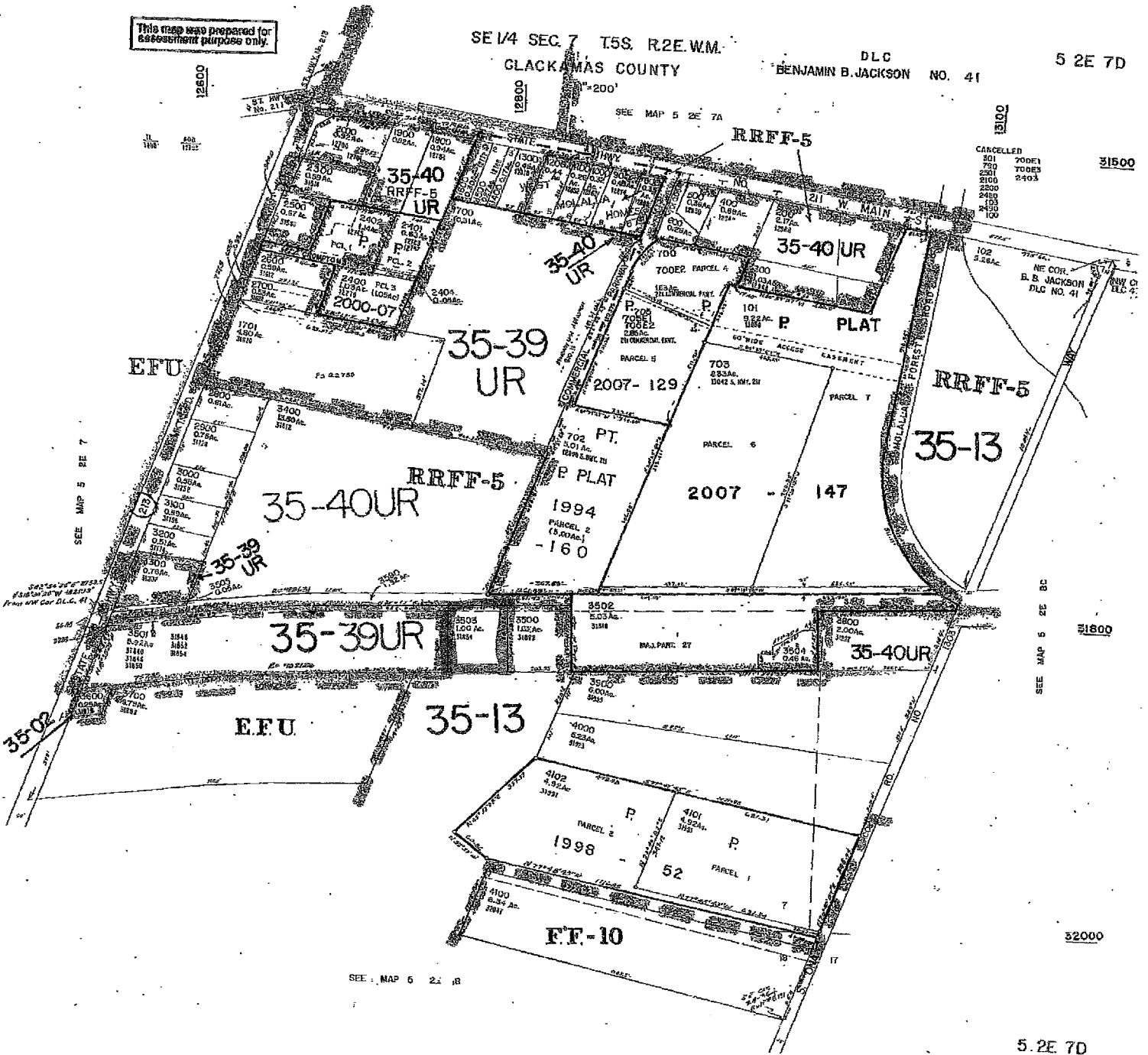


Exhibit "C"

5.2E 7D  
BOOK 40

# Exhibit "D"

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

## PLANNING COMMISSION TYPE III ANNEXATION AND ZONE CHANGE

Report Date: September 6, 2010  
File No.: CA 2010 - 2  
Legal Description: Township 5 South, Range 2 East, Section 7D, Tax Lot 03503. 31834 S. Hwy 213  
Applicant: Ian Seeley  
Owners: Seeley-Wada Family LLC.  
Proposal: Annexation and Zone Change from RRFF-5 (Rural Residential Farm Forest, 5 acre minimum to M-2 (Heavy Industrial)  
Staff: Shane Potter, Planning Director

The applicant is requesting approval of an annexation of county land, within the cities adopted Urban Growth Boundary, and change the zoning from a county zoning of RRFF-5 to a city zoning of M-2 Heavy Industrial. The parcel in question is one (1) acre in size. A building is located on the property. This land use review is being conducted pursuant to the Molalla Development Code adopted on March 17, 2010.

### BACKGROUND

Past background of the property is not known to city staff. The applicant states in their application material that the property was purchased in 2008 by Seeley-Wada Family LLC. The application further states that the previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property in 2008 he purchased it with the intent to use it for a shop and fabrication.

The property lies along an access (flag), approximately 1,110 feet off of Highway 213. The property is considered a county island in the fact that it lies, along with three other properties, in the middle of city limits. To the north lies both RRFF-5 and M-2 lands, to the west and east lies M-2 lands and to the south is RRFF-5 lands which are outside of the Urban Growth Boundary. Currently a long standing industrial business complex lies to the west of the property, a single family home lies on each lot to the north and east and a wildlife sanctuary on the northwest side. Nearby amenities include the Gramor Complex (a commercial development with multiple stores including but not limited to: Safeway, McDonalds and many other smaller scale commercial developments) (approximately 1,620 feet to the north), Highway 211 and Highway 213 intersection (approximately 1,705 feet to the northwest), and Molalla Forest Road (approximately 1,487 feet to the east).

This application includes the following sections of the Molalla Development Code:

- Section 17.4.114 M2 - Heavy Industrial
- Section 17.4.130 Industrial Districts - Setback Yards; Industrial Buffers
- Section 17.4.140 Industrial Districts - Site Layout and Design
- Chapter 19.7 Land Use District Map & Text Amendments

### **PROJECT DESCRIPTION**

Lot 52E7D 03503 lies south of Highway 211 off of Highway 213 via a flag lot. This property is an island surrounded by two other properties in the county surrounded on the east, west, and north by city zoned industrial lands and to the south by county lands outside the cities acknowledged Urban Growth Boundary. The property lies inside an identified and future planned industrial park which stretches from Highway 213 on the west to Molalla Forest Road on the east and Highway 211 to the north to the future urban boundary of the city on the south.

### **PROCEDURAL POSTURE**

The applicant originally submitted the application for an Annexation and Zone Change on May 6, 2010. The application was deemed completed on June 7, 2010. The application is being processed pursuant to the Molalla Development Code, with specific reference made to the above mentioned chapters. Notice was provided to the State of Oregon pursuant to ORS 197.610, OAR 660-018-000 on June 7, 2010 and identified as Exhibit "A". Notice of the public hearing before the City Council was mailed on September 2, 2010. Notice is posted at City Hall and on the City's website. Posting occurred on September 2, 2010.

### **FINDINGS AND CONCLUSIONS**

For the reader's convenience, the applicable approval criteria have been listed below in bold *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 Development Code contains technical requirements for the submission of an Annexation and Zone Change; see the MDC chapters/sections mentioned above. Staff has reviewed the materials submitted by the applicant and has concluded that the applicant's submission meets the requirements of the Molalla Development Code.

#### ***17.4.114 M-2, Heavy Industrial District Development Standards:***

##### ***A. 25,000 sq ft - Minimum Lot Area (sq ft)***

The parcel is 1 acre in size (43,560 sq ft).

##### ***B. No Minimum - Minimum Lot Width***

The property has a lot width of approximately 200 feet.

##### ***C. No Minimum - Minimum Lot Depth***

The property has a lot depth of approximately 220 feet.

***D. 45 ft - Maximum Building Height***

The existing building is not greater than 45 foot in height and no additions shall be made which violate this standard.

***E. N0 - Building Height Transition***

Due to the development that exists surrounding the property no building height transition shall be required.

***F. 85% - Maximum Lot Coverage***

There is limited development currently on the property. No future development shall violate the maximum lot coverage requirements of the Molalla Development Code.

***G. 15% - Minimum Landscape Area (% of site)***

The property shall establish and maintain a minimum of 15% of the total property in landscaping. Based on the size of the property, 43,560 sq ft, the applicant shall be required to ensure that a minimum of 6,534 sq ft of landscaped areas is created if it does not exist and maintained.

***H. Minimum Setback (ft)***

1. *Front - 20 ft*
2. *Side - 10 ft*
3. *Street Side - 20 ft*
4. *Rear - 10 ft*
5. *Along Arterials See TSP*

No proposed development is being made on the property therefore this criterion does not apply. No future development shall violate the minimum setback requirements unless a variance is applied for and approved as spelled out in the Molalla Development Code.

***I. Permitted Uses***

1. *Basic Utilities*
2. *Computer Component Assembly Plants*
3. *Corporate or government headquarters or regional offices with 50 or more employees*
4. *Experimental, film or testing laboratories*
5. *Industries that manufacture from, or otherwise process previously prepared materials*

6. *Industrial and professional equipment and supply stores, which may include service repair of the same*
7. *Manufacturing and Production, fully enclosed*
8. *Parking Lot (when not an accessory use)*
9. *Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing*
10. *Quick Vehicle Servicing or Vehicle Repair*
11. *Transportation Facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)*
12. *Veterinary clinics and hospitals for small animals (both large and small animals)*
13. *Warehouse & Freight Movement*
14. *Wholesale sales (per Section 17.4.110)*

No proposal has been made on the type of use for this property. At such time a use is proposed consultation with planning to determine the appropriate land use procedure shall take place.

*J. Accessory Uses*

1. *Accessory Structures*
2. *Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)*
3. *Offices*
4. *Parks & Open Space*

No accessory uses are known to exist or are being proposed.

*K. Conditional Uses*

1. *Aircraft & Parts*
2. *Buildings & Structures exceeding the height limits*
3. *Bus Depot, but not bus garage or storage yard*
4. *Crematory*
5. *Drive-in Theatre*
6. *Entertainment, Major Event*
7. *Manufactured home used as a permanent residence for a night watchman or caretaker*
8. *Mining*
9. *Mobile Food Unit*
10. *Mortuary*
11. *Radio Frequency Transmission Facilities*
12. *Rail Lines & Utility Corridors*
13. *Recycling Depots*
14. *Research and Development Activities*
15. *Self Service Storage*



*16. Software and hardware development*

*17. Telecommunications Facilities*

*18. Temporary Uses per Section 19.9.100*

No Conditional Use is being proposed for this use. At any time that a conditional use is proposed for the site the applicant shall be required to go through a Conditional Use Review.

*17.4.130 Industrial Districts - Setback Yards; Industrial Buffers*

*A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.*

*B. Applicability. The setback yard and buffer standards in table 17.4.120 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F. In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.*

*C. Buffering Other Yard Requirements*

*1. Buffering. The approval body may require landscaping, fences, walls, or other buffering that exceed the landscaping standards in Chapter 18.2 when it finds through Site Design Review (Chapter 19.2), Conditional Use Permit review (Chapter 19.4), and/or Master Planned Development review (Chapter 19.5), where applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties. Additional buffers shall be required when new or major remodels occur where industrial lands abut a residential zone. Such requirements shall meet the following:*

*a. An additional six feet of vegetative buffer beyond that normally required by Chapter 18.2.500; and,*

*b. All parking that is visible from an existing or proposed street shall be screened from view from public rights-of-way.*

*c. New industrial development occurring next to residential zoned neighborhoods shall at a minimum:*

*1) Double their setbacks from shared property line(s) to the building, and allow parking within those setbacks;*

- 2) *Install a vegetative buffer which must reach 6 feet in height within three years from approval;*
- 3) *Install a site obscuring (sound reducing) wall 8 feet tall;*
- 4) *A reduction in these standards may occur if a letter signed by all affected property owners stating that they understand the impacts and will forego the requirements of this section is submitted to the Planning Director as part of a land use file.*

The applicant is not proposing any development. However the applicant should be aware of this criterion for future development since the parcel lies next to county residential lands.

2. *Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections with large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 18.1.*

Pedestrian access can occur from an easement that the applicant holds on an accessway running west from the subject property. At such time future build out of the road occurs in this area a paved pedestrian way (sidewalk) will exist for pedestrian travel.

#### *17.4.140 Industrial District - Site Layout and Design*

- A. *Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:*

1. *Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and*
2. *The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.4.130.*
3. *Industrial development that proposes the employment of 25 or more employees shall accommodate employees by incorporating an outdoor lunch area into their landscape plan.*
4. *Access ways shall be included to:*

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

- a. *Connect with existing or approved access ways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.*
- b. *Provides reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.*
- c. *Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.*
- d. *Include street trees and street landscaping.*
- e. *Provide an integrated open space and pedestrian system with the development with appropriate connections to surrounding properties.*

No additional development is being proposed therefore this criterion will not apply at this time but may be addressed again at a future date when a proposal is planned for.

**B. Color Palette.** *Development in the industrial zones shall conform with the color palettes for building facades, building trim and signage.*

1. *Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;*
2. *Base, trim and sign colors shall complement one another;*
  - a. *Base. Acceptable colors shall complement one another.*
  - b. *Trim.*
    - 1) *Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each face of a building's exterior.*
    - 2) *Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing facade, that building is entitled to display up to 20 percent of the street-facing facade with the colors listed in the trim palette.*
  - c. *Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.*
3. *Neon colors are prohibited;*

4. *Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:*
  - a. *A color rendering of the building illustrating the proposed color to be used;*
  - b. *A color scheme of the surrounding structures;*
  - c. *A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;*
5. *Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be processed in the same manner as code language interpretation outlined in Chapter 19.8.*

No proposed development and or work on the existing structure(s) is being proposed therefore this criterion does not apply. The applicant should however be aware of the City's requirement for establishing color palettes in the industrial zones therefore this criterion will apply at such time the applicant or any party taking ownership of the property paint any portion of the property the above criterion shall be met.

#### *C. Outdoor Storage and Refuse/Recycling Collection Areas*

1. *No materials, supplies or equipment shall be stored in any area on a lot except inside an enclosed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets, no storage areas shall be maintained between a street and the front of the structure nearest the street.*

The application states that no development is proposed for this site at this time, however it should be noted that no future use will be allowed which violates the criteria spelled out here.

#### *19.7.100 Purpose*

*The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.*

### ***19.7.200 Legislative Amendments***

***A legislative amendment is a policy decision to be made by the City Council. A legislative amendment is reviewed using the Type IV procedure.***

The application is consistent with an adopted and recognized Comprehensive Plan therefore the applicant shall be required to go through a Quasi-Judicial Land Review not a Legislative Amendment since no new policies will be created as a result of this approval.

### ***19.7.300 Quasi-Judicial Amendments***

***A. Applicability of Quasi-Judicial Amendments. A quasi-judicial amendment involves the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decision). Quasi-Judicial district map amendments shall follow the Type III procedure, as governed by Chapter 19.1.400, using standards of approval in (B) below. The approval authority shall be as follows:***

- 1. The Planning Commission shall review and may approve land use district map changes that do not involve comprehensive plan map amendments;***

The application involves the change to the land use district map and not a change to the Comprehensive Plan map as approved. The change will result in placing an industrial zoning (M2) over what is currently a county zoned parcel (RRFF-5). See Exhibit "B" Molalla's Land Use Map from the Comprehensive Plan.

- 2. The Planning Commission shall make a recommendation to the City Council on application for a Comprehensive Plan map amendment. The City Council shall decide such applications, and***

The Planning Commission is scheduled to hold a public hearing on August 3, 2010 at which time a recommendation is expected to be forwarded to the City Council at a future hearing for a final decision.

- 3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.***

The Planning Commission shall make a recommendation to the City Council at the August 3, 2010 hearing on both the Annexation and Zone Change.

CITY OF MOLALLA  
PLANNING DEPARTMENT

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***B. Criteria for Quasi-Judicial Amendments. A recommendation or decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:***

***1. Approval of the request is consistent with the Statewide Planning Goals;***

The statewide planning goals were reviewed and approved under review of the Comprehensive Plan which was approved by the State of Oregon. The application calls for an annexation and zone change consistent with the City of Molalla's Comprehensive Plan.

***2. Approval of the request is consistent with the Comprehensive Plan;***

The Comprehensive Plan spells out the zoning for land within the already established Urban Growth Boundary. The Comprehensive Map, attached as Exhibit "B", lays out what zoning will be once property is annexed from the land within the Urban Growth Boundary into the City. This application is consistent with the map as it calls for a M2 (Heavy Industrial District) to be placed on this property which is consistent with the applicants request.

This action is consistent with a City Council goal for 2010-2011 which calls for "cleaning up islands of county land surrounded by city lands. These types of uses often receive benefits of a city but do not pay city taxes.

***3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and***

Adequate public facilities exist near the subject property and are planned to be provided to the site in future plans. This network of planning is often called the "4-Corners" Plan which calls for a collector to run parallel with this property from Highway 213 to Molalla Forest Road.

***4. The change is in the public interest with regard to neighborhood or community conditions or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and***

Bringing these blighted parcels out of the county and into the city limits where re-development is more feasible will help with the look of the area. The ability to clean up islands of county land will better help the community to address needs and obtain appropriate taxes for such needs.

**5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.***

The applicant is not proposing a change in the use of the property at this time. At a future date the applicant may propose a change that will be required to meet the standards of the Molalla Development Code and in particular address any transportation planning efforts that may exist.

The Transportation Systems Plan sets out standards for road demands based on zoning. In the early 2000's Molalla added a controlled intersection, with ODOT assistance, which has created adequate capacity for the area. In the mid 2000's Molalla developed, with the State's assistance, the first portion of Commercial Parkway which will eventually provide a north south route to the property as well.

Any new development or expansion of the proposed lots will be required to be reviewed by both the City through a Design Review process and ODOT for review of improvements and enhancements that may be required to the Highway road system.

**19.7.400 *Conditions of Approval for Quasi-Judicial Amendments***

***A quasi-judicial decision may be approved, denied, or approved with conditions. Conditions imposed on quasi-judicial map or text amendment shall be based on applicable regulations and evidence in the record. A legislative amendment may only be approved or denied.***

The Planning Commission is recommending approval of the application with conditions which are consistent with a Quasi-Judicial review.

**19.7.500 *Record of Amendments***

***The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.***

A copy of the Molalla Development Code is available on the planning website at [www.molallaplanning.com](http://www.molallaplanning.com), at City Hall and the Molalla Public Library.

**19.7.600 *Transportation Planning Rule Compliance***

***Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with applicable Oregon Administrative Rules. If the development or amendment will significantly affect a transportation facility as determined under the rules, the applicant shall demonstrate compliance with the rules.***

See 19.7.300 (B.5) above for staff comments.

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THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS APPROVAL OF THIS ANNEXATION AND ZONE CHANGE WITH THE FOLLOWING CONDITIONS OF APPROVAL. REVIEW OF THE SUBMITTED DOCUMENTS IS NOT APPROVAL OF OMISSIONS, OVERSIGHT OF AUTHORIZATION OF NON-COMPLIANCE WITH ANY REGULATIONS OF THIS AGENCY OR OF THE REGULATIONS OF ANY OTHER AGENCY. THIS DECISION SHOULD NOT BE CONSIDERED A PRECEDENT SETTING RECOMMENDATION AS EACH PROJECT IS REVIEWED ON A CASE BY CASE BASIS.

When  
Complete

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1. No development or use of the property is being approved as a result of this application. Prior to using the property for an industrial use the applicant must go through a review with the Planning Department to determine whether additional land use reviews are required.
2. The applicant will have one year from the date of approval to hook up to public water and sewer at the owners expense. If no development or existing uses are abandoned and no need for public facilities exist this time limit may be extended by a period until such a use calls for the public water and sewer installation.

---

**DICK MILLER**, Planning Commission Chair  
City of Molalla

3rd Condition added at City Council Hearing:

This application is subject to a trip cap of 10 weekday pm peak hour trips onto OR 213 per ODOT's traffic manual. The trip cap shall sunset when alternate access to the site becomes available through the extension of the local street network, or OR 213 is widened.



# NOTICES

CITY OF MOLALLA  
PLANNING DEPARTMENT

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Mr. Ian Seeley  
31834 S. Hwy 213  
Molalla, OR 97038

Mr. Seeley,

The City has reviewed your application, file number CA 2010 - 2, submitted on May 6, 2010 and has deemed the application complete. The Planning Department will send notice as required by the Molalla Development Code and State Rules. The first expected hearing will be held on July 27, 2010 before the Planning Commission.

Notice was requested to be provided to:

Seeley-Wada Family LLC  
Ian Seeley  
31834 S Highway 213  
Molalla, OR 97038

Kristy Olson  
PO Box 572  
Lake Oswego, OR 97034

Please feel free to contact me with any questions or concerns you may have during this process at the numbers listed on this letterhead.

Best Regards,

Shane Potter, Planning Director  
117 N Molalla Ave  
Molalla, OR 97038  
(503) 829-7526

Cc:

Marc Howatt, Public Works Director  
Mike Penunuri, Lieutenant/Fire Marshall Molalla FD

**Molalla Planning Department**

Phone: 503-829-7526

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Website: [www.molallaplanning.com](http://www.molallaplanning.com)



**NOTICE OF PUBLIC HEARING – PLANNING COMMISSION**

NOTICE CREATED ON JULY 8, 2010

**HEARING DATE & TIME:** TUESDAY AUGUST 3, 2010 7PM CITY HALL CONFERENCE ROOM, ENTER IN PLANNING DEPARTMENT, MOLALLA CITY HALL, 117 N. MOLALLA AVE, MOLALLA OR 97038

**FILE NUMBER:** CA 2010 – 2

**LEGAL DESCRIPTION:** TOWNSHIP 5 SOUTH, RANGE 2 EAST, SECTION 7D, TAX LOT 03503. ADDRESSED AS 31834 S. HWY 213.

**APPLICANT:** IAN SEELEY

**OWNERS:** SEELEY-WADA FAMILY LLC

**PROPOSAL:** ANNEXATION/ ZONE CHANGE

**CURRENT ZONING:** RRF5-5, RURAL RESIDENTIAL FARM FOREST 5-ACRE MINIMUM

**PROPOSED ZONING:** M-2, HEAVY INDUSTRIAL

**APPLICABLE CRITERIA:** TITLE 19.7 OF THE MOLALLA DEVELOPMENT CODE

**STAFF:** SHANE POTTER, PLANNING DIRECTOR

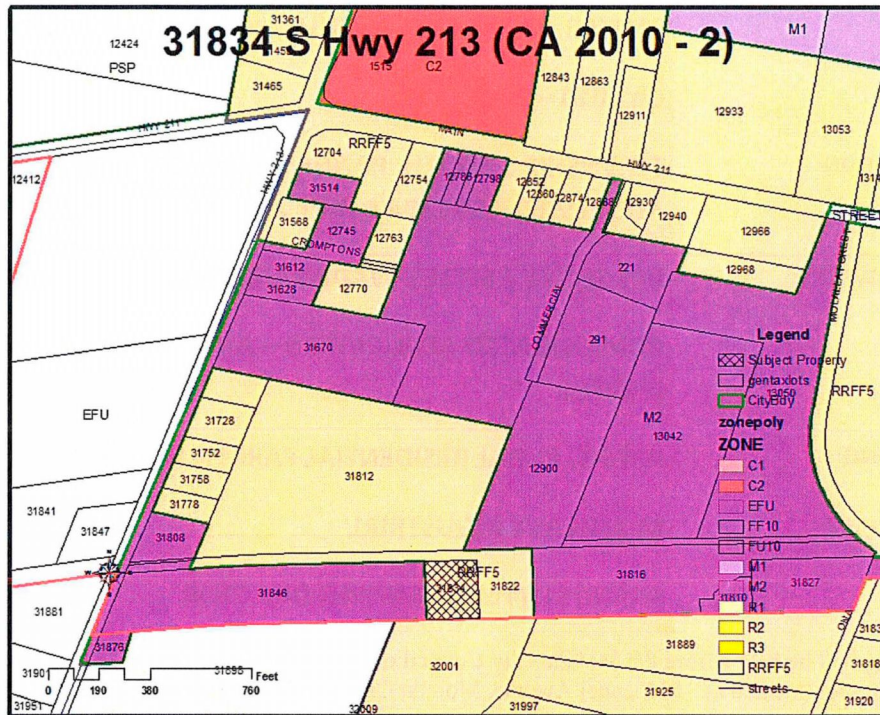
A public hearing will be held before the Planning Commission on the above mentioned application. Any interested party may submit written comments by email or letter to the Molalla Planning Department which must be submitted/received no later than noon the day of the hearing or any interested party may attend the public hearing 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 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.

**Nature of the proposal and proposed use or uses authorizable**

CA 2010 - 2 is a proposal to annex land into the city from the county and change the zoning from RRRF-5 (Rural Residential Farm Forest 5 acre minimum - county zoning) to M-2 (Heavy Industrial - city zoning).

**Project Location**



31834 S. Hwy 213, Molalla, OR 97038

Tax lot 52E07D03503

**Date, Time and Location of Hearing**

August 3, 2010 7PM City Hall Conference Room, 117 N Molalla Ave, Molalla, OR 97038

**SHANE POTTER, PLANNING DIRECTOR**  
City of Molalla Planning Department

Molalla Planning Department  
Phone: 503-829-7526  
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## NOTICE OF PUBLIC HEARING – CITY COUNCIL

NOTICE CREATED ON SEPTEMBER 2, 2010

**HEARING DATE & TIME:** WEDNESDAY SEPTEMBER 22, 2010, 7PM MOLALLA ADULT CENTER, 315 KENNEL AVENUE, MOLALLA OR 97038

**FILE NUMBER:** CA 2010 – 2

**LEGAL DESCRIPTION:** TOWNSHIP 5 SOUTH, RANGE 2 EAST, SECTION 7D, TAX LOT 3503. ADDRESSED AS 31834 S HWY 213

**APPLICANTS/OWNERS:** IAN SEELEY / SEELEY-WADA FAMILY LLC

**PROPOSAL:** CONSOLIDATED APPLICATION – ANNEXATION AND ZONE CHANGE

**CURRENT ZONING:** RRF5-5, RURAL RESIDENTIAL FARM FOREST 5-ACRE MINIMUM

**PROPOSED ZONING:** M-2, HEAVY INDUSTRIAL

**STAFF:** SHANE POTTER, PLANNING DIRECTOR

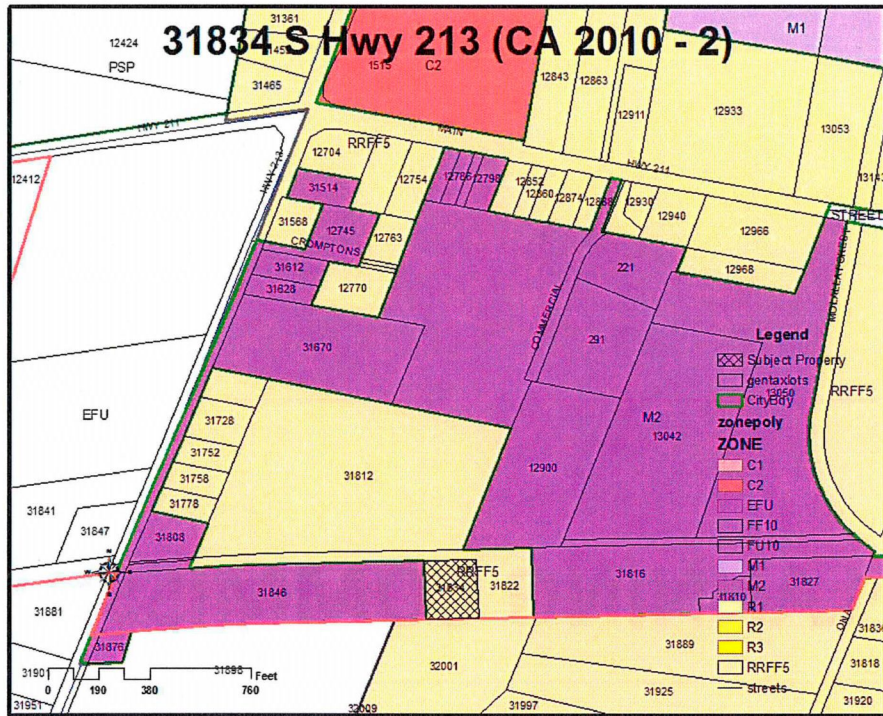
A public hearing will be held before the Molalla City Council on Wednesday September 22, 2010 at 7 p.m. at the Molalla Adult Center, located at 315 Kennel Avenue, Molalla Oregon. The purpose of the hearing is for the City Council to review a recommendation from the Planning Commission to approve a consolidated application.

All interested parties will be given an opportunity to testify about the proposal at the public hearing. Failure of an issue to be raised or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals based on that issue. The application and file are available for review at the Molalla Planning Department as well as our website at [www.molallaplanning.com](http://www.molallaplanning.com) or may be purchased for a reasonable cost. The Planning Commission report will be available a minimum of seven (7) days prior to the date of the hearing before the City Council for inspection and/or purchase.

<b>Nature of the proposal and proposed use or uses authorizable</b>
---

CA 2010-2 is a request for annexation and zone change from county land inside the urban growth boundary to city land consistent with the City of Molalla Comprehensive Plan.

**Project Location**



Molalla OR 97038

Tax lot 52E07D 03503

**Date, Time and Location of Hearing**

September 22, 2010, 7pm Molalla Adult Center located at 315 Kennel Avenue.

**Project Information**

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall at no cost and will be provided at a reasonable cost.

**PLANNING COMMISSION  
SIGN IN SHEET**

STAFF REPORT TYPE III ANNEXATION AND ZONE CHANGE

Report Date: July 27, 2010  
File No.: CA 2010-2  
Legal Description: Township 5 South, Range 2 East, Section 7D, Tax Lot 03503. 31834 S. Hwy 213  
Applicant: Ian Seeley  
Owner: Seeley-Wada Family LLC.  
Proposal: Annexation and Zone Change from RRFF-5 (Rural Residential Farm Forest, 5 acre minimum to M-2 (Heavy Industrial)  
Staff: Shane Potter, Planning Director

The applicant is requesting approval of an annexation of county land, within the cities adopted Urban Growth Boundary, and change the zoning from a county zoning of RRFF-5 to a city zoning of M-2 Heavy Industrial. The parcel in question is one (1) acre in size. A building is located on the property. This land use review is being conducted pursuant to the Molalla Development Code adopted on March 17, 2010.

**BACKGROUND**

Past background of the property is not known to city staff. The applicant states in their application material that the property was purchased in 2008 by Seeley-Wada Family LLC. The application further states that the previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property in 2008 he purchased it with the intent to use it for a shop and fabrication.

The property lies along an access (flag), approximately 1,110 feet off of Highway 213. The property is considered a county island in the fact that it lies, along with three other properties, in the middle of city limits. To the north lies both RRFF-5 and M-2 lands, to the west and east lies M-2 lands and to the south is RRFF-5 lands which are outside of the Urban Growth Boundary. Currently a long standing industrial business complex lies to the west of the property, a single family home lies on each lot to the north and east and a wildlife sanctuary on the northwest side. Nearby amenities include the Gramor Complex (a commercial development with multiple stores including but not limited to: Safeway, McDonalds and many other smaller scale commercial developments) (approximately 1,620 feet to the north), Highway 211 and Highway 213 intersection (approximately 1,705 feet to the northwest), and Molalla Forest Road (approximately 1,487 feet to the east).

This application includes the following sections of the Molalla Development Code:

- Section 17.4.114 M2 - Heavy Industrial
- Section 17.4.130 Industrial Districts - Setback Yards; Industrial Buffers
- Section 17.4.140 Industrial Districts - Site Layout and Design
- Chapter 19.7 Land Use District Map & Text Amendments



### **PROJECT DESCRIPTION**

Lot 52E7D 03503 lies south of Highway 211 off of Highway 213 via a flag lot. This property is an island surrounded by two other properties in the county surrounded on the east, west, and north by city zoned industrial lands and to the south by county lands outside the cities acknowledged Urban Growth Boundary. The property lies inside an identified and future planned industrial park which stretches from Highway 213 on the west to Molalla Forest Road on the east and Highway 211 to the north to the future urban boundary of the city on the south.

### **PROCEDURAL POSTURE**

The applicant originally submitted the application for an Annexation and Zone Change on May 6, 2010. The application was deemed completed on June 7, 2010. The application is being processed pursuant to the Molalla Development Code, with specific reference made to the above mentioned chapters. Notice was provided to the State of Oregon pursuant to ORS 197.610, OAR 660-018-000 on June 7, 2010 and identified as Exhibit "A". Notice to the public hearing before the Planning Commission was mailed on June 8, 2010. Notice is posted at City Hall and on the City's website. Posting occurred on June 8, 2010.

### **FINDINGS AND CONCLUSIONS**

For the reader's convenience, the applicable approval criteria have been listed below in bold *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 Development Code contains technical requirements for the submission of an Annexation and Zone Change; see the MDC chapters/sections mentioned above. Staff has reviewed the materials submitted by the applicant and has concluded that the applicant's submission meets the requirements of the Molalla Development Code.

#### ***17.4.114 M-2, Heavy Industrial District Development Standards:***

##### ***A. 25,000 sq ft - Minimum Lot Area (sq ft)***

The parcel is 1 acre in size (43,560 sq ft).

##### ***B. No Minimum - Minimum Lot Width***

The property has a lot width of approximately 200 feet.

##### ***C. No Minimum - Minimum Lot Depth***

The property has a lot depth of approximately 220 feet.

***D. 45 ft - Maximum Building Height***

The existing building is not greater than 45 foot in height and no additions shall be made which violate this standard.

***E. N0 - Building Height Transition***

Due to the development that exists surrounding the property no building height transition shall be required.

***F. 85% - Maximum Lot Coverage***

There is limited development currently on the property. No future development shall violate the maximum lot coverage requirements of the Molalla Development Code.

***G. 15% - Minimum Landscape Area (% of site)***

The property shall establish and maintain a minimum of 15% of the total property in landscaping. Based on the size of the property, 43,560 sq ft, the applicant shall be required to ensure that a minimum of 6,534 sq ft of landscaped areas is created if it does not exist and maintained.

***H. Minimum Setback (ft)***

- 1. Front - 20 ft***
- 2. Side - 10 ft***
- 3. Street Side - 20 ft***
- 4. Rear - 10 ft***
- 5. Along Arterials See TSP***

No proposed development is being made on the property therefore this criterion does not apply. No future development shall violate the minimum setback requirements unless a variance is applied for and approved as spelled out in the Molalla Development Code.

***I. Permitted Uses***

- 1. Basic Utilities***
- 2. Computer Component Assembly Plants***
- 3. Corporate or government headquarters or regional offices with 50 or more employees***
- 4. Experimental, film or testing laboratories***
- 5. Industries that manufacture from, or otherwise process previously prepared materials***

6. *Industrial and professional equipment and supply stores, which may include service repair of the same*
7. *Manufacturing and Production, fully enclosed*
8. *Parking Lot (when not an accessory use)*
9. *Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing*
10. *Quick Vehicle Servicing or Vehicle Repair*
11. *Transportation Facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)*
12. *Veterinary clinics and hospitals for small animals (both large and small animals)*
13. *Warehouse & Freight Movement*
14. *Wholesale sales (per Section 17.4.110)*

No proposal has been made on the type of use for this property. At such time a use is proposed consultation with planning to determine the appropriate land use procedure shall take place.

*J. Accessory Uses*

1. *Accessory Structures*
2. *Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)*
3. *Offices*
4. *Parks & Open Space*

No accessory uses are known to exist or are being proposed.

*K. Conditional Uses*

1. *Aircraft & Parts*
2. *Buildings & Structures exceeding the height limits*
3. *Bus Depot, but not bus garage or storage yard*
4. *Crematory*
5. *Drive-in Theatre*
6. *Entertainment, Major Event*
7. *Manufactured home used as a permanent residence for a night watchman or caretaker*
8. *Mining*
9. *Mobile Food Unit*
10. *Mortuary*
11. *Radio Frequency Transmission Facilities*
12. *Rail Lines & Utility Corridors*
13. *Recycling Depots*
14. *Research and Development Activities*
15. *Self Service Storage*

16. *Software and hardware development*
17. *Telecommunications Facilities*
18. *Temporary Uses per Section 19.9.100*

No Conditional Use is being proposed for this use. At any time that a conditional use is proposed for the site the applicant shall be required to go through a Conditional Use Review.

**17.4.130 Industrial Districts - Setback Yards; Industrial Buffers**

**A. Purpose.** *Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.*

**B. Applicability.** *The setback yard and buffer standards in table 17.4.120 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F. In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.*

**C. Buffering Other Yard Requirements**

**1. Buffering.** *The approval body may require landscaping, fences, walls, or other buffering that exceed the landscaping standards in Chapter 18.2 when it finds through Site Design Review (Chapter 19.2), Conditional Use Permit review (Chapter 19.4), and/or Master Planned Development review (Chapter 19.5), where applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties. Additional buffers shall be required when new or major remodels occur where industrial lands abut a residential zone. Such requirements shall meet the following:*

- a.** *An additional six feet of vegetative buffer beyond that normally required by Chapter 18.2.500; and,*
- b.** *All parking that is visible from an existing or proposed street shall be screened from view from public rights-of-way.*
- c.** *New industrial development occurring next to residential zoned neighborhoods shall at a minimum:*
  - 1)** *Double their setbacks from shared property line(s) to the building, and allow parking within those setbacks;*

- 2) *Install a vegetative buffer which must reach 6 feet in height within three years from approval;*
- 3) *Install a site obscuring (sound reducing) wall 8 feet tall;*
- 4) *A reduction in these standards may occur if a letter signed by all affected property owners stating that they understand the impacts and will forego the requirements of this section is submitted to the Planning Director as part of a land use file.*

The applicant is not proposing any development. However the applicant should be aware of this criterion for future development since the parcel lies next to county residential lands.

2. *Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections with large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 18.1.*

Pedestrian access can occur from an easement that the applicant holds on an accessway running west from the subject property. At such time future build out of the road occurs in this area a paved pedestrian way (sidewalk) will exist for pedestrian travel.

#### *17.4.140 Industrial District - Site Layout and Design*

- A. *Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:*

1. *Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and*
2. *The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.4.130.*
3. *Industrial development that proposes the employment of 25 or more employees shall accommodate employees by incorporating an outdoor lunch area into their landscape plan.*
4. *Access ways shall be included to:*

- a. *Connect with existing or approved access ways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.*
- b. *Provides reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.*
- c. *Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.*
- d. *Include street trees and street landscaping.*
- e. *Provide an integrated open space and pedestrian system with the development with appropriate connections to surrounding properties.*

No additional development is being proposed therefore this criterion will not apply at this time but may be addressed again at a future date when a proposal is planned for.

**B. Color Palette.** *Development in the industrial zones shall conform with the color palettes for building facades, building trim and signage.*

1. *Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;*
2. *Base, trim and sign colors shall complement one another;*
  - a. *Base. Acceptable colors shall complement one another.*
  - b. *Trim.*
    - 1) *Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each face of a building's exterior.*
    - 2) *Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing facade, that building is entitled to display up to 20 percent of the street-facing facade with the colors listed in the trim palette.*
  - c. *Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.*
3. *Neon colors are prohibited;*

4. *Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:*
  - a. *A color rendering of the building illustrating the proposed color to be used;*
  - b. *A color scheme of the surrounding structures;*
  - c. *A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;*
5. *Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be processed in the same manner as code language interpretation outlined in Chapter 19.8.*

No proposed development and or work on the existing structure(s) is being proposed therefore this criterion does not apply. The applicant should however be aware of the City's requirement for establishing color palettes in the industrial zones therefore this criterion will apply at such time the applicant or any party taking ownership of the property paint any portion of the property the above criterion shall be met.

#### *C. Outdoor Storage and Refuse/Recycling Collection Areas*

1. *No materials, supplies or equipment shall be stored in any area on a lot except inside an enclosed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets, no storage areas shall be maintained between a street and the front of the structure nearest the street.*

The application states that no development is proposed for this site at this time, however it should be noted that no future use will be allowed which violates the criteria spelled out here.

#### *19.7.100 Purpose*

*The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.*

### ***19.7.200 Legislative Amendments***

***A legislative amendment is a policy decision to be made by the City Council. A legislative amendment is reviewed using the Type IV procedure.***

The application is consistent with an adopted and recognized Comprehensive Plan therefore the applicant shall be required to go through a Quasi-Judicial Land Review not a Legislative Amendment since no new policies will be created as a result of this approval.

### ***19.7.300 Quasi-Judicial Amendments***

***A. Applicability of Quasi-Judicial Amendments. A quasi-judicial amendment involves the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decision). Quasi-Judicial district map amendments shall follow the Type III procedure, as governed by Chapter 19.1.400, using standards of approval in (B) below. The approval authority shall be as follows:***

- 1. The Planning Commission shall review and may approve land use district map changes that do not involve comprehensive plan map amendments;***

The application involves the change to the land use district map and not a change to the Comprehensive Plan map as approved. The change will result in placing an industrial zoning (M2) over what is currently a county zoned parcel (RRFF-5). See Exhibit "B" Molalla's Land Use Map from the Comprehensive Plan.

- 2. The Planning Commission shall make a recommendation to the City Council on application for a Comprehensive Plan map amendment. The City Council shall decide such applications, and***

The Planning Commission is scheduled to hold a public hearing on August 3, 2010 at which time a recommendation is expected to be forwarded to the City Council at a future hearing for a final decision.

- 3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.***

The Planning Commission shall make a recommendation to the City Council at the August 3, 2010 hearing on both the Annexation and Zone Change.



***B. Criteria for Quasi-Judicial Amendments. A recommendation or decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:***

***1. Approval of the request is consistent with the Statewide Planning Goals;***

The statewide planning goals were reviewed and approved under review of the Comprehensive Plan which was approved by the State of Oregon. The application calls for an annexation and zone change consistent with the City of Molalla's Comprehensive Plan.

***2. Approval of the request is consistent with the Comprehensive Plan;***

The Comprehensive Plan spells out the zoning for land within the already established Urban Growth Boundary. The Comprehensive Map, attached as Exhibit "B", lays out what zoning will be once property is annexed from the land within the Urban Growth Boundary into the City. This application is consistent with the map as it calls for a M2 (Heavy Industrial District) to be placed on this property which is consistent with the applicants request.

This action is consistent with a City Council goal for 2010-2011 which calls for "cleaning up islands of county land surrounded by city lands. These types of uses often receive benefits of a city but do not pay city taxes.

***3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and***

Adequate public facilities exist near the subject property and are planned to be provided to the site in future plans. This network of planning is often called the "4-Corners" Plan which calls for a collector to run parallel with this property from Highway 213 to Molalla Forest Road.

***4. The change is in the public interest with regard to neighborhood or community conditions or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and***

Bringing these blighted parcels out of the county and into the city limits where re-development is more feasible will help with the look of the area. The ability to clean up islands of county land will better help the community to address needs and obtain appropriate taxes for such needs.

**5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.***

The applicant is not proposing a change in the use of the property at this time. At a future date the applicant may propose a change that will be required to meet the standards of the Molalla Development Code and in particular address any transportation planning efforts that may exist.

The Transportation Systems Plan sets out standards for road demands based on zoning. In the early 2000's Molalla added a controlled intersection, with ODOT assistance, which has created adequate capacity for the area. In the mid 2000's Molalla developed, with the State's assistance, the first portion of Commercial Parkway which will eventually provide a north south route to the property as well.

Any new development or expansion of the proposed lots will be required to be reviewed by both the City through a Design Review process and ODOT for review of improvements and enhancements that may be required to the Highway road system.

**19.7.400 *Conditions of Approval for Quasi-Judicial Amendments***

***A quasi-judicial decision may be approved, denied, or approved with conditions. Conditions imposed on quasi-judicial map or text amendment shall be based on applicable regulations and evidence in the record. A legislative amendment may only be approved or denied.***

Staff is recommending approval of the application with conditions which is consistent with a Quasi-Judicial review.

**19.7.500 *Record of Amendments***

***The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.***

A copy of the Molalla Development Code is available on the planning website at [www.molallaplanning.com](http://www.molallaplanning.com), at City Hall and the Molalla Public Library.

**19.7.600 *Transportation Planning Rule Compliance***

***Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with applicable Oregon Administrative Rules. If the development or amendment will significantly affect a transportation facility as determined under the rules, the applicant shall demonstrate compliance with the rules.***

See 19.7.300 (B.5) above for staff comments.

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

STAFF **APPROVES** THIS **ANNEXATION AND ZONE CHANGE** WITH THE FOLLOWING CONDITIONS OF APPROVAL. REVIEW OF THE SUBMITTED DOCUMENTS IS NOT APPROVAL OF OMISSIONS, OVERSIGHT OF AUTHORIZATION OF NON-COMPLIANCE WITH ANY REGULATIONS OF THIS AGENCY OR OF THE REGULATIONS OF ANY OTHER AGENCY. THIS DECISION SHOULD NOT BE CONSIDERED A PRECEDENT SETTING RECOMMENDATION AS EACH PROJECT IS REVIEWED ON A CASE BY CASE BASIS.

Check when  
Complete

1. No proof of a continued use of the house exists therefore the applicant is required to provide proof of continued use of the house. Failure to provide such proof shall eliminate the ability of the house to be used for residential purposes in the future.
2. The applicant shall provide proof of ownership of the house. Currently the assessors office has Seeley-Wada LLC. as the owner. While it is portrayed that Mr. Seeley is the representative of the LLC. no proof was provided with the application of such ownership representation.
3. No development or use of the property is being approved as a result of this application. Prior to using the property for an industrial use the applicant must go through a review with the Planning Department to determine whether additional land use reviews are required.
4. The applicant will have one year from the date of approval to hook up to public water and sewer at the owners expense. If no development or existing uses are abandoned and no need for public facilities exist this time limit may be extended by a period until such a use calls for the public water and sewer installation.

---

**SHANE POTTER**, Planning Director  
City of Molalla Planning Department

CITY OF MOLALLA PLANNING DEPARTMENT

AUGUST 3, 2010 - PLANNING COMMISSION

BOARD MEMBERS:

1. Jerome Beattie

NAME

2. Dick Miller

NAME

3. Deborah Rogge

NAME

4. Mary Lynn Jacob

NAME

5. 

NAME

ROGER

6. Robert Stapler

NAME

7. \_\_\_\_\_

NAME

8. \_\_\_\_\_

NAME

9. \_\_\_\_\_

NAME

# CITY OF MOLALLA PLANNING DEPARTMENT

AUGUST 3, 2010 – PLANNING COMMISSION

PLEASE SIGN IN:

1. Kirsty Olson 503-703-3512  
NAME PHONE

17705 Meekopolu L.O. OK 97084  
ADDRESS CITY STATE EMAIL

2. JAN SEELEY 503 819-9390  
NAME PHONE

ADDRESS CITY STATE EMAIL

3. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

4. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

5. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

6. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

**APPLICANT'S  
INFORMATION**

**MAY 6, 2010**

**SHANE POTTER  
CITY OF MOLALLA, PLANNING DEPT.  
P.O. BOX 248  
MOLALLA, OR 97038**

**RE: ANNEXATION AND ZONE CHANGE APPLICATION**

Dear Mr. Potter,

Enclosed is the requested application and paperwork pertaining to my annexation and zone change request for the property located at 31834 S. Hwy. 213 in Molalla, OR. As you and I have discussed, along with Kristy Olson, the surrounding area is zoned Heavy Industrial (M-2). This property along with the property adjacent to me, tax lot #3500 are the only two along the south side of the Urban Growth Boundary that are not zoned M-2 Heavy industrial but rather RRF 5.

According to the City of Molalla's Comprehensive Plan, the long-term objectives *"...are to continue to increase its employment/population ratio while fostering a strong trade-sector "industrial" job base."* This property meets the current and future plans for Heavy Industrial use in the City of Molalla.

At this time, there is no plan to further develop the land. For this reason, we believe that besides a recorded change in annexation and zoning, no other changes will be required along with this application.

Currently, the property is accessed by a shared private drive. I understand that the city has incorporated this private drive in their transportation plan as a local access street. This will enhance the access to all properties using this private drive currently, many of which are already Heavy Industrial. By changing this property to Heavy Industrial, it will allow for more of a flow of like businesses in the area now and for future development.

Thank you for your consideration. Please feel free to contact either Kristy or me by phone or email. Kristy can be reached at 503.703.3512, [atudekris@comcast.net](mailto:atudekris@comcast.net). I look forward to hearing from you.

Sincerely,

Ian Seeley  
31834 S. Hwy. 213, Molalla, OR 97038  
503.222.6400

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## **Section 2: Conformance with City of Molalla's Comprehensive Plan**

This section of the application contains responses that illustrate how this annexation and zone designation change conforms to the applicable standards, as well as contributes to the city of Molalla's comprehensive plan and future transportation changes.

### **Land Use Zoning**

#### ***17.4.100 Industrial District – Purpose***

*Chapter 17.4 accommodates industrial land uses in two Industrial Districts, Light Industrial (M-1) Heavy Industrial (M-2) and 1 employment zone. All three districts are intended to provide for land use compatibility while providing a high quality environment for businesses and employees.*

*M-2 Heavy Industrial District. Encourage the location of uses that have a strong industrial orientation. The regulations are intended to promote uses and developments that will support the economic viability of the City, protect the health, safety and welfare of the public health, safety, and welfare of the public, address the character of the area and provide certainty to property owners, developers and neighbors about the limits of what is allowed.*

**Response:** The property located at 31834 S Hwy. 213 is currently surrounded by M-2, Heavy Industrial, zoned property. With the city planning to improve the existing private driveway into a local street, it makes sense to zone this parcel M-2 Heavy Industrial to keep it consistent with the surrounding neighborhood.

#### ***17.4.110 Uses Allowed***

#### ***17.4.114 M-2, Heavy Industrial***

##### *Development Standards*

- A. 25,000 sq. ft. Minimum Lot Area (sq.ft.)\*Development must conform to lot width, depth, yard setback and coverage standards*
- B. No minimum – Minimum Lot Width*
- C. No minimum – Minimum Lot Depth*
- D. 45 ft. – Maximum Building Height*
- E. No – Building Height Transition*
- F. 85% - Maximum Lot Coverage*
- G. 15% - Minimum Landscape Area (% of site)*
- H. Minimum Setback (ft)  
Front: 20, Side 10, Street Side 20, Rear 10, Along Arterials see TSP*
- I. Fences & Gardening Retaining Walls*

*Max Height – Front 42’’, Max Height – Side 6’, Max Height – Street Side 6’,  
Max Height – Rear 6’.*

- J. Permitted Uses*
- K. Accessory Uses*
- L. Conditional Uses*

**Response:**

- A. The current lot size is 43,560 sq. ft.
- B. N/A
- C. N/A
- D. The building(s) do not exceed 45 Maximum Building Height, height is approx. 15 feet
- E. N/A
- F. The lot coverage is currently just under 15%
- G. Current Landscape Coverage is approx. 18.5%
- H. Current Setbacks are as follows;  
Front: 42’, Side: 87’, Street Side, 42’, Rear: 17’ and there are no arterials
- I. The fence along surrounding the property measures 6 ft. in height
- J. The current use of the property is Fabrication
- K. No accessory uses currently
- L. No conditional uses currently

**17.3.2 Development Standards**

*The development standards... .. apply to all new structures, buildings and development, and major remodels, in the Industrial Districts.*

**Response:** This application is only a request for an annexation and zone designation change; there are no plans for further development at this time.

**Administration and Procedures**

**19.1.610 Pre Application Conference**

*A. Purpose. The pre-application conference is to provide city staff with a summary of the applicant’s development proposal as well as an opportunity for staff to provide the applicant with information on likely impacts, requirements, approval standards, fees and other information that may affect the proposal.*

**Response:** A pre application discussion took place with Shane Potter on Friday, April 30, 2010. At this time he indicated that there might not be a need for one. The applicant does understand that the City might require a pre application conference.

**19.1.500 Type IV Procedure (Legislative)**

*B. Application requirements.*

1. *Application Forms.* A Type IV application shall be made on forms provided by the City.

2. *Submittal Information.* A Type IV application shall:

a. *Include the information requested on the application form;*

b. *Be filed with a map and one copy of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 19.2 (Land Use Review), 19.3 (Land Divisions), 19.6 (Modifications), 19.8 (Code Interpretations), and 19.9 (Miscellaneous Permits);*

c. *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards;*

d. *Include one set of pre stamped and pre addressed envelopes for all real property owners of record who will receive notice of the application. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City of the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application;*

e. *The fee required.*

3. *The applicant has the burden of demonstrating that all applicable approval criteria are or can be met.*

**Response:** A Type IV application has been submitted on the forms provided by the City. All required submittal information is included in this packet along with the application. The information provided demonstrates that all applicable criteria is met or can be met. All fees related to the proposed land use application have been submitted with this application, along with pre addressed prestamped envelopes.

C. *Notice of Hearing.*

1. *Required Hearings.* A minimum of 2 hearings, one before Planning Commission and one before the City Council, are required for all Type IV applications.

D. *Hearing Process and Procedure*

E. *Continuation of the Public Hearing*

F. *Decision Making Criteria*

G. *Approval Process and Authority*

H. *Notice of Decision*

I. *Final Decision and Effective Date*

J. *Record of Public Hearing*

**Response:**

C. The applicant understands that all public hearings pertaining to the Type IV permits shall comply with the applicable procedures of the Molalla Land Use Procedures.

- H. The applicant understands that all City decision making bodies have the right to impose clear and objective conditions of approval and that the applicant will be bound by those conditions.

**19.7.300 B. Quasi-Judicial Amendments**

*B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*
2. *Approval of the request is consistent with the Comprehensive Plan;*
3. *The property affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*
4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and*
5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.*

**Response:**

B.

1. The annexation and zone change of the property located at 31834 S. Hwy. 213 is consistent with several of the Statewide Planning Goals in that it allows for consistency in the neighborhood and community with M-2 Heavy Industrial activity as well as follows the procedures the City of Molalla adopted to conform to the Statewide Planning Goals, for example: Goal 9, Economic Development. ***The purpose of this goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.*** One of the goals of the community is to provide more industrial and commercial land for development so that the population can work and live in the community instead of live in the community and commute out of town to work. This will make for a stronger more vital business community. By changing this property to industrial, it follows the future plans for commercial industrial growth. Also allowing for a larger sector to come in and use large landmass for production and industry. This site is currently adequate size, has flat topography, good access to the highway and availability of services for industrial development and is surrounded by M-2 Heavy Industrial.

2. According to the City of Molalla's Comprehensive Plan, industrial areas are planned for the economic benefit of the City as well as minimize impacts to residential development. It states that the City shall continue to provide enough industrial space to provide for its economic development. Under the Industrial Development

Policies, the City would like the industrial to be in the Southwest sector of Molalla, this property is located in this area. The UGB is set to expand to accommodate growth for 2030 projections, this property will again fit this area, is currently in the UGB and neighboring many M-2 Heavy Industrial properties.

3. The City of Molalla intends to improve what is now a shared private drive access to this property into a local access street. Currently, there is adequate transportation access to and from all sites that use this private drive. The applicant understands that this driveway is included in the City's transportation plan for future development.

4. Currently, the property is inconsistent with neighboring parcels and their zoning. In changing it to an M-2 Heavy Industrial Zone, it is more complimentary to the surrounding area as well as allows for future industrial growth for the City of Molalla. The property was purchased in late December 2007. The prior owner used it as a commercial use as well. The history and area permits industrial and commercial uses.

5. Since the property is currently in the UGB, it complies with the administrative rules of the Oregon Land Conservation and Development Commission. A private driveway currently serves the property. The applicant understands that the City of Molalla plans to improve this road as a future local access street. At the time this occurs, it will enhance the vehicular and pedestrian access, however, at this time it is adequate for the use.

## **PROPERTY DESCRIPTION**

The property was purchased in late 2008. The previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property, he purchased it with the intent to use it for a shop and fabrication. The property is zoned RRF 5.

The surrounding area is zoned M-2 Heavy Industrial. Mr. Seeley understands that the City of Molalla intends to improve the now private drive into a local access street, enhancing the access off of Hwy. 213 for local industrial sites. In order to make the community flow better, and for future industrial expansion or development, it makes sense to incorporate this parcel into the M-2 Heavy Industrial land that is already there.

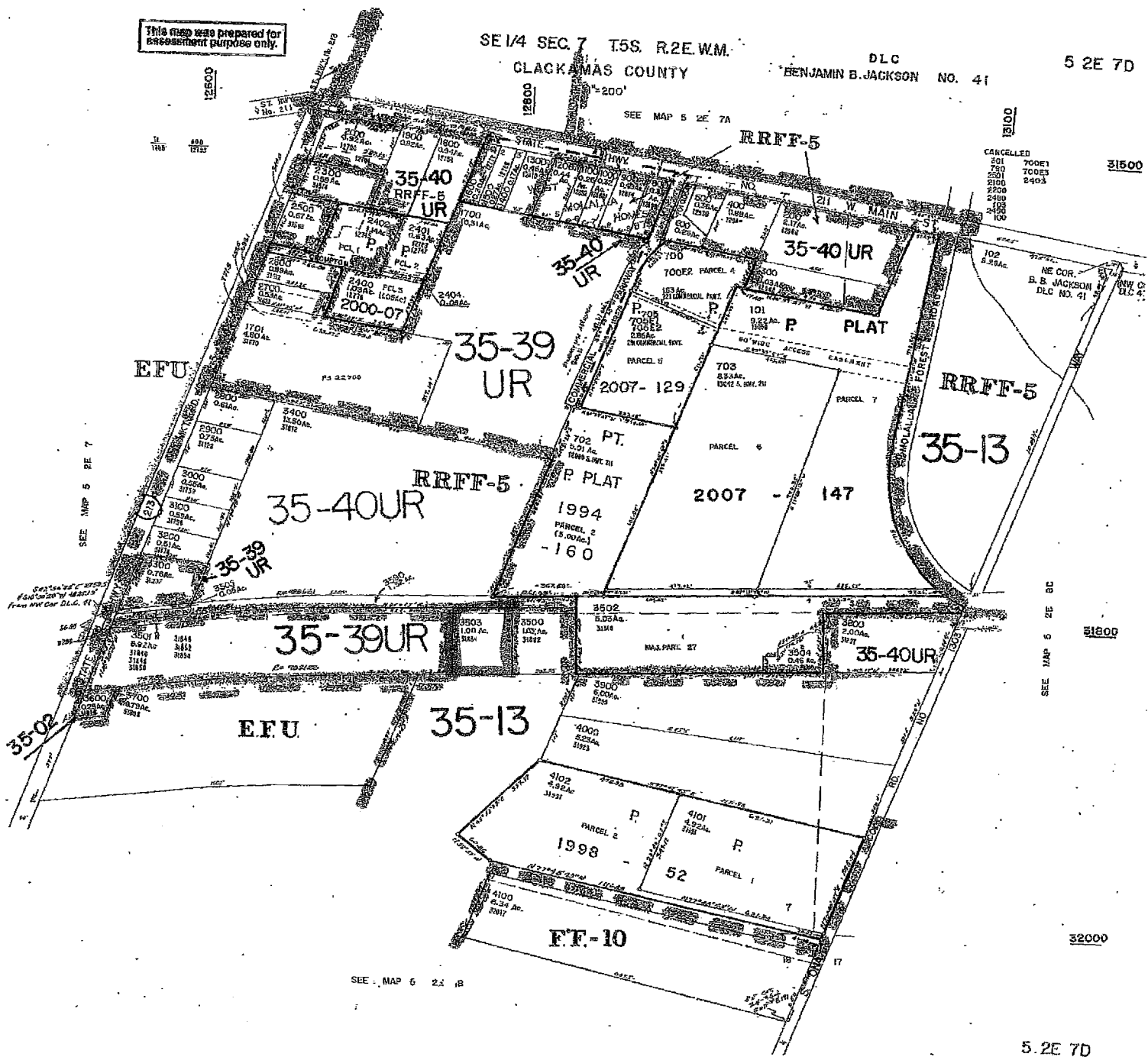
Mr. Seeley does not intend to do any further development at this time of this application. He understands that further development would require a different set of standards and permits, as well as further requirements.

This map was prepared for  
assessment purposes only.

SE 1/4 SEC. 7 T5S. R2E.W.M.  
CLACKAMAS COUNTY

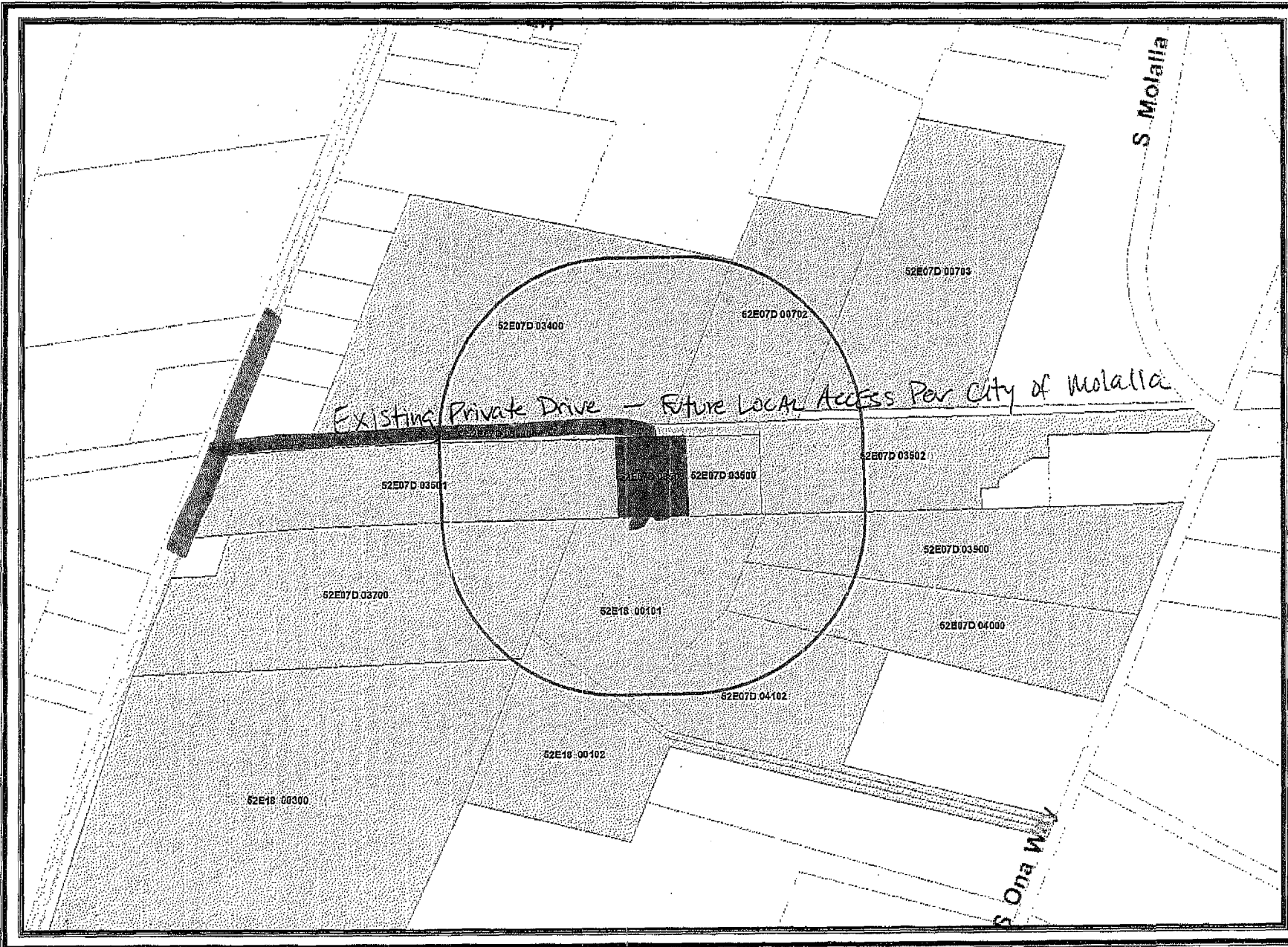
DLC  
BENJAMIN B. JACKSON NO. 41

5 2E 7D



SEE MAP 6 2A 18

5.2E 7D  
BOOK 40



Prepared By  
  
 First American  
 Title Insurance Company  
 of Oregon  
 May 17th 2010

  
 Molalla Area  
 Subject  
 2002 Plat  
 Parcel

This information is deemed reliable  
 but is not guaranteed.



**AUGUST 5, 2010**

**SHANE POTTER  
CITY OF MOLALLA, PLANNING DEPT.  
P.O. BOX 248  
MOLALLA, OR 97038**

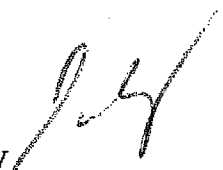
**RE: FILE #CA 2010-2**

Dear Mr. Potter,

As per the request of the planning commission and staff, this letter is to inform you that the mobile home on the property located at 31834 S. Hwy. 213 in Molalla, OR is not currently being used as a home. I understand the use as a home may be subject to planning commission and/or staff approval since the home has not been used in the past 12 months as a home.

If you need any further information regarding this condition to our application approval, please feel free to contact either Kristy or me by phone or email. The paperwork on the LLC will soon follow this letter. Kristy can be reached at 503.703.3512, [atudekris@comcast.net](mailto:atudekris@comcast.net). In addition, please let us know when the council hearing is so that we can plan to attend. Thank you.

Regards,

  
Ian Seeley  
31834 S. Hwy. 213, Molalla, OR 97038  
503.222.6400

## Business Registry Business Name Search

[New Search](#)

### Business Entity Data

09-02-2010  
08:47

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
411952-98	DLLC	INA	OREGON	02-07-2007		
<b>Entity Name</b> SEELEY-WADA FAMILY LLC						
<b>Foreign Name</b>						

[New Search](#)

### Associated Names

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS			
<b>Addr 1</b>	7219 NE 47TH AVE				
<b>Addr 2</b>					
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA

*Please click here for general information about registered agents and service of process.*

<b>Type</b>	AGT	REGISTERED AGENT	<b>Start Date</b>	02-07-2007	<b>Resign Date</b>	
<b>Name</b>	IAN	TODD	SEELEY			
<b>Addr 1</b>	7219 NE 47TH AVE					
<b>Addr 2</b>						
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MAL	MAILING ADDRESS			
<b>Addr 1</b>	IAN TODD SEELEY				
<b>Addr 2</b>	PO BOX 80664				
<b>CSZ</b>	PORTLAND	OR	97280	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MGR	MANAGER		<b>Resign Date</b>	
<b>Name</b>	IAN	SEELEY			
<b>Addr 1</b>	7219 NE 47TH AVW				
<b>Addr 2</b>					
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SEELEY-WADA FAMILY LLC	EN	CUR	02-07-2007	

Please read before ordering Copies.

New Search

Summary History

Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
04-10-2009	ADMINISTRATIVE DISSOLUTION	04-10-2009		SYS		
02-13-2009	NOTICE LATE ANNUAL	02-13-2009		SYS		
03-13-2008	AMENDED ANNUAL REPORT	03-13-2008		FI		
02-08-2008	NOTICE LATE ANNUAL	02-08-2008		SYS		
02-07-2007	ARTICLES OF ORGANIZATION	02-07-2007		FI	Agent	

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**CITY OF MOLALLA**

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



**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE SUITE 150  
SALEM OREGON 97301-2540**



# Oregon

Theodore R. Kubongski, 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

10/4/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Molalla Plan Amendment  
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, October 15, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

D  
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DEPT OF

SEP 27 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Molalla**

Local file number: **CA 2010-2**

Date of Adoption: **September 22, 2010**

Date Mailed: **September 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 082510

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Annexed a parcel of land into the City limits of Molalla that was within the city's Urban Growth Boundary. The approval changes the zoning from county zoning to city zoning.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **RRFF-5**

to: **M-2, Heavy Industrial**

Zone Map Changed from:

to:

Location: **31824 S Hwy 213, Molalla OR 97038**

Acres Involved: **1 acre**

Specify Density: Previous: **5 acre minimum**

New: **Industrial**

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 002-10 (18348) [16349]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

State of Oregon, Clackamas County, City of Molalla

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Local Contact: **Shane Potter**

Phone: **(503) 829-7526** Extension:

Address: **117 N Molalla Ave. PO Box 248**

Fax Number: **503-829-3676**

City: **Molalla**

Zip: **97038**

E-mail Address: **planner@molalla.net**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City of Molalla  
**ORDINANCE NO. 2010-10**

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF MOLALLA  
AND APPROVING A ZONE CHANGE

The City of Molalla ordains as follows:

**Section 1.** The real properties that are subject of this ordinance are located in Township 5 South Range 2 East, Section 7D, including only the real property in tax lot 03503 being more particularly described in Exhibit C.

**Section 2.** The zoning designation of tax lot 03503 is changed from RRFF-5 (Rural Residential, Farm/Forest, 5-acre Minimum Lot Size) to M-2 (Heavy Industrial).


**Section 3.** The findings in Exhibits D are hereby incorporated by this reference and adopted as the findings in support of this Ordinance.

Adopted this 22<sup>nd</sup> day off September, 2010 by the City Council of the City of Molalla.

Approved:

  
\_\_\_\_\_  
Mike Clarke, Mayor

ATTEST this 22nd day of September 2010

  
\_\_\_\_\_  
City Recorder





# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 1

123 NW Flanders Street

Portland, OR 97209-4037

503.731.8200

FAX 503.731.8259

September 15, 2010

City of Molalla  
117 N. Molalla Avenue – P.O. Box 248  
Molalla, OR 97038

Attn: Shane Potter, Planning Director

Re: **CA 2010-2 Seeley-Wada Annexation and Zone Change**

Dear City Council:

We have reviewed the proposed annexation and application of City Heavy Industrial zoning to the subject property. The proposed zoning will allow uses that generate higher volumes of traffic than the existing Rural Residential zoning. Potentially, traffic could have a "significant effect" on the transportation system insofar as a more intense use of the site could generate the need for a southbound to eastbound left turn lane on OR 213 at the easement driveway that serves this parcel.

The City's TSP calls for a future 3 lane cross section on OR 213, with the center lane to be developed either as a turn lane or raised landscaped medians. However, it is unlikely that the property owner/developer of this site could implement this improvement given the limited existing right of way on OR 213; adjacent parcels are not under the applicant's control. The City has not programmed widening of OR 213 into its transportation capital improvement program.

We are suggesting two options for the applicant to address the state Transportation Planning Rule OAR 660-12-060, which requires that zone changes consider long term impacts on the planned transportation system, and the City's Development Code 19.7.600 Compliance with the Transportation Planning Rule:

1. The applicant could conduct a traffic impact study to assess the potential impacts of "reasonable worst case" site build-out under the proposed Heavy Industrial zone to year 2025. (Reasonable worst case would include uses allowed by the code that may be more intensive than what the applicant has in mind for site development.) If the report shows a "significant impact" (e.g. need for turn lane on OR 213) would be generated, the applicant and City would need to demonstrate to ODOT that implementation of the 3 lane cross section is reasonably likely to be funded by the City and/or development. Given the issues with limited right of way, this may be difficult to show.


2. The applicant would accept a condition of approval that places a "trip cap" on the site to limit the amount of weekday pm peak hour trips onto OR 213. Per ODOT's traffic manual, 10 peak hour trips southbound to eastbound on OR 213 would trigger the need for a left turn lane. Given that the easement driveway is only utilized by two rural parcels at this time which are likely to generate less than 2 peak hour trips, ODOT would support a trip cap of 10 peak hour trips. The trip cap could sunset when alternate access to the site becomes available through extension of the local street network, or OR 213 is widened.

Based on the applicant's proposed use of the site for a small machine shop, which would likely not generate high volumes of weekday pm peak hour traffic, Option 2 appears to be the easiest way to address the OAR 660-12-060 criteria for the zone change, if it is acceptable to the applicant and the City.

I apologize that ODOT did not provide comments on this proposal at the time of the Planning Commission Hearing. Please let me know if you have questions regarding the proposed options or TPR requirements.

We look forward to reviewing the City's draft local street network plan for the industrial area. The implementation of a complete network of streets to serve this area will be critical for its economic suODOT will want to make sure that proposed connections to OR 211 and OR 213 will function safely, and address ODOT access management and signal spacing standards.

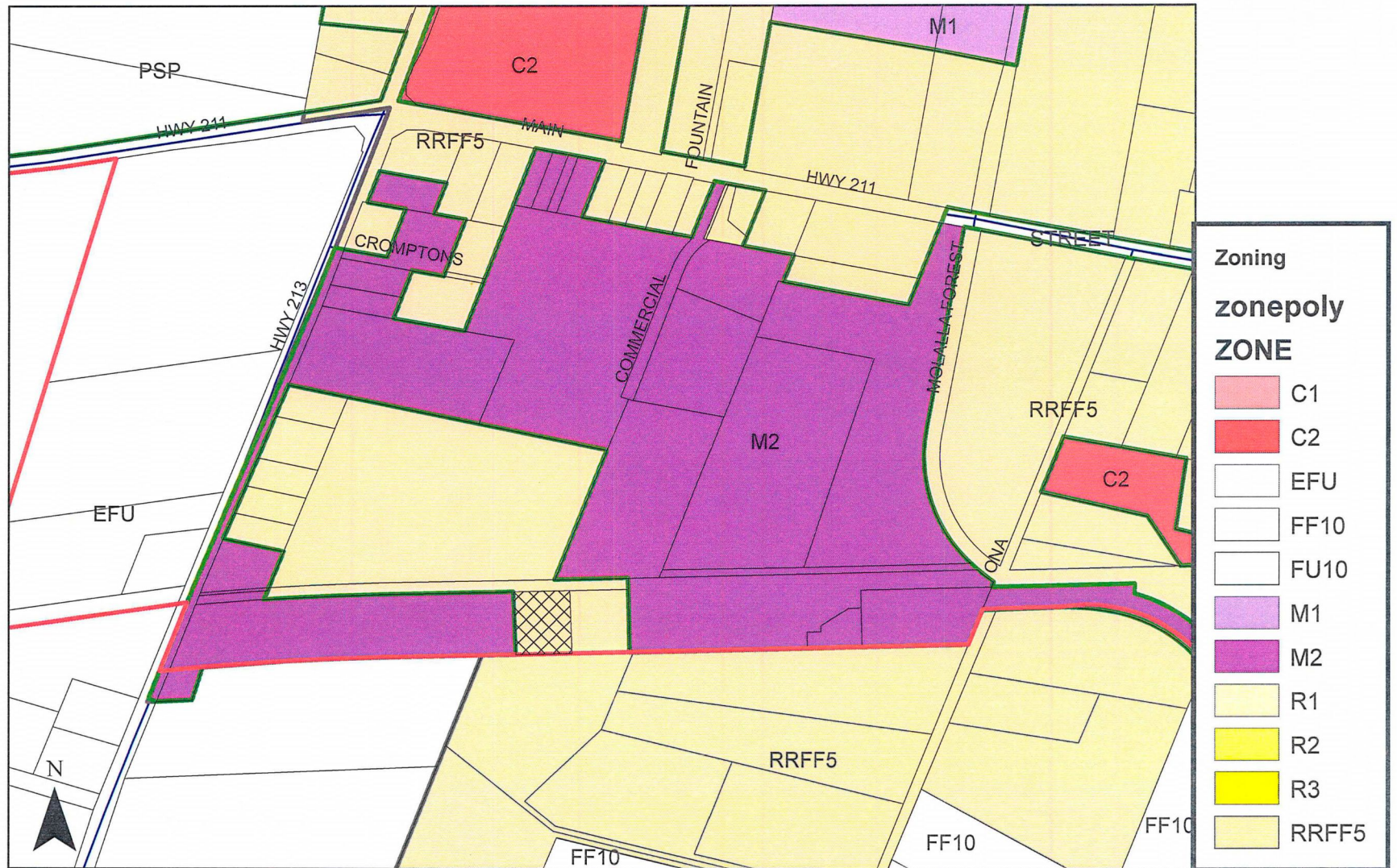
Sincerely,



Sonya Kazen, Sr. Planner

Cc: Jamie Johnk, Clackamas Economic Development

# CA 2010 - 2 Annexation/Zone Change



# **EXHIBITS**

FORM

# 1 DLCD Notice of Proposed Amendment

Exhibit A

in person  electronic  mailed

DATE STAMP

For DLCD Use Only

THIS FORM 1 **MUST BE RECEIVED** BY DLCD AT LEAST  
**45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**  
 PER ORS 197.610, OAR 660-018-000

Jurisdiction: **City of Molalla** Date of First Evidentiary Hearing: **July 27, 2010**  
 Local File Number: **CA 2010-2** Date of Final Hearing: **August 25, 2010**  
 Is this a **REVISION** to a previously submitted proposal?  Yes  No Date submitted: **June 7, 2010**  
 Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Urban Growth Boundary Amendment  
 Transportation System Plan Amendment  Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached"(limit 500 characters):  
**The proposal is to annex a parcel of property into the city. The property is located within the cities current urban growth boundary. The proposal also changes the zoning from a county zone to a city applied zone consistent with the comprehensive plan.**

Has sufficient information been included to advise DLCD of the effect of proposal?  Yes, text is included  
 For Map Changes: Include 8½"x11" maps of Current and Proposed designation.  Yes, Maps included  
 Plan map changed from: **RRFF-5 (Rural Residential Farm Forest) To: M-2 (Heavy Industrial)**  
 Zone map changed from: **No Change To: No Change**  
 Location of property (do not use Tax Lot): **31824 S Hwy 213**  
 Previous density: **5 acre minimum** New density: **Industrial** Acres involved: **1 acre**  
 Applicable statewide planning goals:

- 1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Is an exception to a statewide planning goal proposed?  YES  NO Goals:  
 Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only records this information):  
**State of Oregon, Clackamas County, City of Molalla**

Local Contact: **Shane Potter** Phone: **503-829-7526** Extension: **N/A**  
 Address: **117 N Molalla Ave. - PO Box 248** City: **Molalla** Zip: **97038**  
 Fax Number: **503-829-8672** E-mail Address: **planner@molalla.net**

DLCD file No. \_\_\_\_\_

# SUBMITTAL REQUIREMENTS

**This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS [197.610](#) and OAR Chapter 660, Division 18**

1. This Form 1 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 1** on light **green paper if available**.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must **include the text** of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate. **Do Not Submit Form 1 Without Supporting Documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by [ORS 197.610\(2\)](#), proposed amendments must be received at the DLCD's Salem office at least 45-days before the first evidentiary hearing on the proposal. (The clock begins on the day **DLCD Receives** your proposal in the Salem Office.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
7. DLCD would like you to submit **ONE PAPER COPY** and **ONE (1) Electronic Digital CD including any maps** (for submittal instructions, also see # 4)] MAIL the **PAPER COPY and CD** of the proposed amendment to:

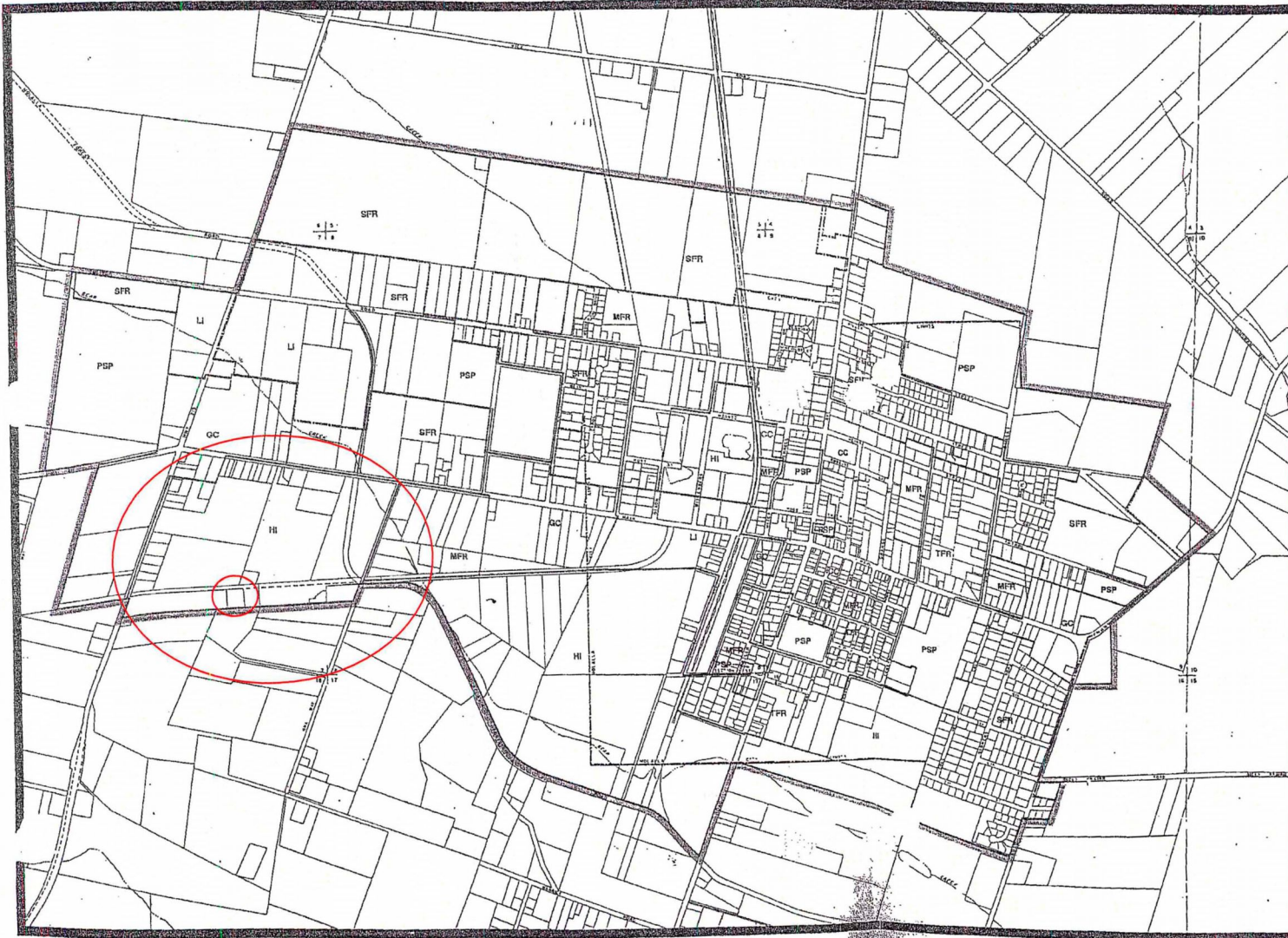
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

8. **Electronic Submittals: Must be pre-authorized to meet the Form 1 Notice of Proposed Amendment (45-day deadline) only by a phone call to the Plan Amendment Specialist**, email notification will not be acceptable for pre-authorization. After authorization an email copy maybe accepted as the substitute for the CD, and one hard copy must be sent via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
9. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print forms on **8-1/2x11 green paper only if available**. You may also call the DLCD Office at (503) 373-0050 x283; or Fax your request to: (503) 378-5518; or Email your request to [larry.french@state.or.us](mailto:larry.french@state.or.us) .

# CITY OF MOLALLA

Exhibit B

## LAND USE PLAN MAP



### LEGEND

- SFR SINGLE FAMILY RESIDENTIAL
- TFR TWO FAMILY RESIDENTIAL
- MFR MULTI FAMILY RESIDENTIAL
- CC CENTRAL COMMERCIAL
- GC GENERAL COMMERCIAL
- LI LIGHT INDUSTRIAL
- HI HEAVY INDUSTRIAL
- PSP PUBLIC OR SEMI-PUBLIC
- URBAN GROWTH BOUNDARY
- CITY LIMITS

NORTH



0 500 1000 1500 2000

SCALE IN FEET

MARCH 1987

119C

This map was prepared for assessment purposes only.

SE 1/4 SEC. 7 T5S. R2E.W.M.  
GLACKANAS COUNTY

DLC  
BENJAMIN B. JACKSON NO. 41

5 2E 7D

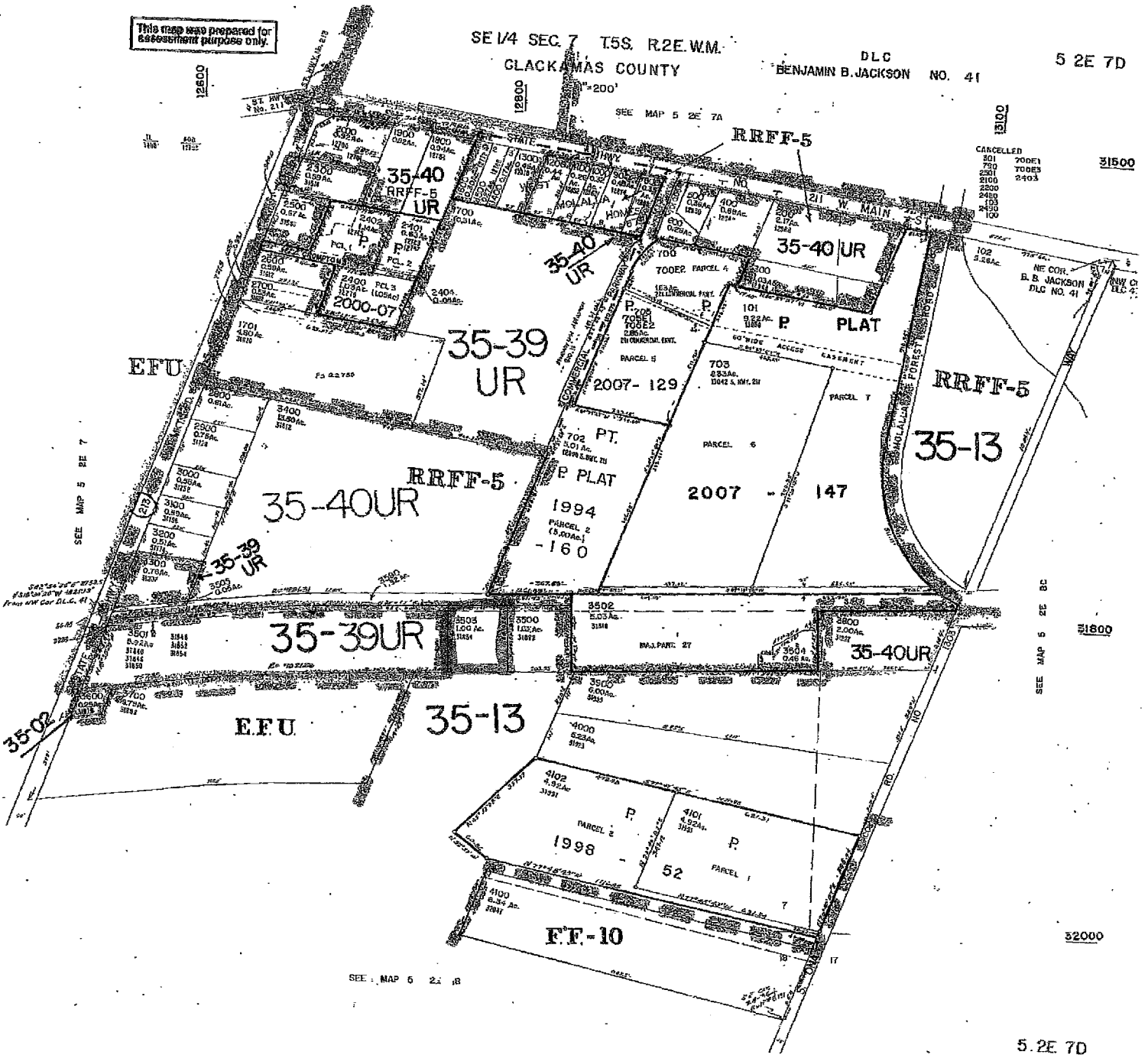


Exhibit "C"



# Exhibit "D"

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

## PLANNING COMMISSION TYPE III ANNEXATION AND ZONE CHANGE

Report Date: September 6, 2010  
File No.: CA 2010 - 2  
Legal Description: Township 5 South, Range 2 East, Section 7D, Tax Lot 03503. 31834 S. Hwy 213  
Applicant: Ian Seeley  
Owners: Seeley-Wada Family LLC.  
Proposal: Annexation and Zone Change from RRFF-5 (Rural Residential Farm Forest, 5 acre minimum to M-2 (Heavy Industrial)  
Staff: Shane Potter, Planning Director

The applicant is requesting approval of an annexation of county land, within the cities adopted Urban Growth Boundary, and change the zoning from a county zoning of RRFF-5 to a city zoning of M-2 Heavy Industrial. The parcel in question is one (1) acre in size. A building is located on the property. This land use review is being conducted pursuant to the Molalla Development Code adopted on March 17, 2010.

### BACKGROUND

Past background of the property is not known to city staff. The applicant states in their application material that the property was purchased in 2008 by Seeley-Wada Family LLC. The application further states that the previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property in 2008 he purchased it with the intent to use it for a shop and fabrication.

The property lies along an access (flag), approximately 1,110 feet off of Highway 213. The property is considered a county island in the fact that it lies, along with three other properties, in the middle of city limits. To the north lies both RRFF-5 and M-2 lands, to the west and east lies M-2 lands and to the south is RRFF-5 lands which are outside of the Urban Growth Boundary. Currently a long standing industrial business complex lies to the west of the property, a single family home lies on each lot to the north and east and a wildlife sanctuary on the northwest side. Nearby amenities include the Gramor Complex (a commercial development with multiple stores including but not limited to: Safeway, McDonalds and many other smaller scale commercial developments) (approximately 1,620 feet to the north), Highway 211 and Highway 213 intersection (approximately 1,705 feet to the northwest), and Molalla Forest Road (approximately 1,487 feet to the east).

This application includes the following sections of the Molalla Development Code:

- Section 17.4.114 M2 - Heavy Industrial
- Section 17.4.130 Industrial Districts - Setback Yards; Industrial Buffers
- Section 17.4.140 Industrial Districts - Site Layout and Design
- Chapter 19.7 Land Use District Map & Text Amendments

### **PROJECT DESCRIPTION**

Lot 52E7D 03503 lies south of Highway 211 off of Highway 213 via a flag lot. This property is an island surrounded by two other properties in the county surrounded on the east, west, and north by city zoned industrial lands and to the south by county lands outside the cities acknowledged Urban Growth Boundary. The property lies inside an identified and future planned industrial park which stretches from Highway 213 on the west to Molalla Forest Road on the east and Highway 211 to the north to the future urban boundary of the city on the south.

### **PROCEDURAL POSTURE**

The applicant originally submitted the application for an Annexation and Zone Change on May 6, 2010. The application was deemed completed on June 7, 2010. The application is being processed pursuant to the Molalla Development Code, with specific reference made to the above mentioned chapters. Notice was provided to the State of Oregon pursuant to ORS 197.610, OAR 660-018-000 on June 7, 2010 and identified as Exhibit "A". Notice of the public hearing before the City Council was mailed on September 2, 2010. Notice is posted at City Hall and on the City's website. Posting occurred on September 2, 2010.

### **FINDINGS AND CONCLUSIONS**

For the reader's convenience, the applicable approval criteria have been listed below in bold *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 Development Code contains technical requirements for the submission of an Annexation and Zone Change; see the MDC chapters/sections mentioned above. Staff has reviewed the materials submitted by the applicant and has concluded that the applicant's submission meets the requirements of the Molalla Development Code.

#### ***17.4.114 M-2, Heavy Industrial District Development Standards:***

##### ***A. 25,000 sq ft - Minimum Lot Area (sq ft)***

The parcel is 1 acre in size (43,560 sq ft).

##### ***B. No Minimum - Minimum Lot Width***

The property has a lot width of approximately 200 feet.

##### ***C. No Minimum - Minimum Lot Depth***

The property has a lot depth of approximately 220 feet.

***D. 45 ft - Maximum Building Height***

The existing building is not greater than 45 foot in height and no additions shall be made which violate this standard.

***E. N0 - Building Height Transition***

Due to the development that exists surrounding the property no building height transition shall be required.

***F. 85% - Maximum Lot Coverage***

There is limited development currently on the property. No future development shall violate the maximum lot coverage requirements of the Molalla Development Code.

***G. 15% - Minimum Landscape Area (% of site)***

The property shall establish and maintain a minimum of 15% of the total property in landscaping. Based on the size of the property, 43,560 sq ft, the applicant shall be required to ensure that a minimum of 6,534 sq ft of landscaped areas is created if it does not exist and maintained.

***H. Minimum Setback (ft)***

1. *Front - 20 ft*
2. *Side - 10 ft*
3. *Street Side - 20 ft*
4. *Rear - 10 ft*
5. *Along Arterials See TSP*

No proposed development is being made on the property therefore this criterion does not apply. No future development shall violate the minimum setback requirements unless a variance is applied for and approved as spelled out in the Molalla Development Code.

***I. Permitted Uses***

1. *Basic Utilities*
2. *Computer Component Assembly Plants*
3. *Corporate or government headquarters or regional offices with 50 or more employees*
4. *Experimental, film or testing laboratories*
5. *Industries that manufacture from, or otherwise process previously prepared materials*

6. *Industrial and professional equipment and supply stores, which may include service repair of the same*
7. *Manufacturing and Production, fully enclosed*
8. *Parking Lot (when not an accessory use)*
9. *Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing*
10. *Quick Vehicle Servicing or Vehicle Repair*
11. *Transportation Facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)*
12. *Veterinary clinics and hospitals for small animals (both large and small animals)*
13. *Warehouse & Freight Movement*
14. *Wholesale sales (per Section 17.4.110)*

No proposal has been made on the type of use for this property. At such time a use is proposed consultation with planning to determine the appropriate land use procedure shall take place.

*J. Accessory Uses*

1. *Accessory Structures*
2. *Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)*
3. *Offices*
4. *Parks & Open Space*

No accessory uses are known to exist or are being proposed.

*K. Conditional Uses*

1. *Aircraft & Parts*
2. *Buildings & Structures exceeding the height limits*
3. *Bus Depot, but not bus garage or storage yard*
4. *Crematory*
5. *Drive-in Theatre*
6. *Entertainment, Major Event*
7. *Manufactured home used as a permanent residence for a night watchman or caretaker*
8. *Mining*
9. *Mobile Food Unit*
10. *Mortuary*
11. *Radio Frequency Transmission Facilities*
12. *Rail Lines & Utility Corridors*
13. *Recycling Depots*
14. *Research and Development Activities*
15. *Self Service Storage*

*16. Software and hardware development*

*17. Telecommunications Facilities*

*18. Temporary Uses per Section 19.9.100*

No Conditional Use is being proposed for this use. At any time that a conditional use is proposed for the site the applicant shall be required to go through a Conditional Use Review.

*17.4.130 Industrial Districts - Setback Yards; Industrial Buffers*

*A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.*

*B. Applicability. The setback yard and buffer standards in table 17.4.120 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F. In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.*

*C. Buffering Other Yard Requirements*

*1. Buffering. The approval body may require landscaping, fences, walls, or other buffering that exceed the landscaping standards in Chapter 18.2 when it finds through Site Design Review (Chapter 19.2), Conditional Use Permit review (Chapter 19.4), and/or Master Planned Development review (Chapter 19.5), where applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties. Additional buffers shall be required when new or major remodels occur where industrial lands abut a residential zone. Such requirements shall meet the following:*

*a. An additional six feet of vegetative buffer beyond that normally required by Chapter 18.2.500; and,*

*b. All parking that is visible from an existing or proposed street shall be screened from view from public rights-of-way.*

*c. New industrial development occurring next to residential zoned neighborhoods shall at a minimum:*

*1) Double their setbacks from shared property line(s) to the building, and allow parking within those setbacks;*

- 2) *Install a vegetative buffer which must reach 6 feet in height within three years from approval;*
- 3) *Install a site obscuring (sound reducing) wall 8 feet tall;*
- 4) *A reduction in these standards may occur if a letter signed by all affected property owners stating that they understand the impacts and will forego the requirements of this section is submitted to the Planning Director as part of a land use file.*

The applicant is not proposing any development. However the applicant should be aware of this criterion for future development since the parcel lies next to county residential lands.

2. *Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections with large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 18.1.*

Pedestrian access can occur from an easement that the applicant holds on an accessway running west from the subject property. At such time future build out of the road occurs in this area a paved pedestrian way (sidewalk) will exist for pedestrian travel.

#### *17.4.140 Industrial District - Site Layout and Design*

- A. *Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:*

1. *Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and*
2. *The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.4.130.*
3. *Industrial development that proposes the employment of 25 or more employees shall accommodate employees by incorporating an outdoor lunch area into their landscape plan.*
4. *Access ways shall be included to:*

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

- a. *Connect with existing or approved access ways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.*
- b. *Provides reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.*
- c. *Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.*
- d. *Include street trees and street landscaping.*
- e. *Provide an integrated open space and pedestrian system with the development with appropriate connections to surrounding properties.*

No additional development is being proposed therefore this criterion will not apply at this time but may be addressed again at a future date when a proposal is planned for.

**B. Color Palette.** *Development in the industrial zones shall conform with the color palettes for building facades, building trim and signage.*

1. *Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;*
2. *Base, trim and sign colors shall complement one another;*
  - a. *Base. Acceptable colors shall complement one another.*
  - b. *Trim.*
    - 1) *Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each face of a building's exterior.*
    - 2) *Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing facade, that building is entitled to display up to 20 percent of the street-facing facade with the colors listed in the trim palette.*
  - c. *Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.*
3. *Neon colors are prohibited;*

4. *Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:*
  - a. *A color rendering of the building illustrating the proposed color to be used;*
  - b. *A color scheme of the surrounding structures;*
  - c. *A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;*
5. *Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be processed in the same manner as code language interpretation outlined in Chapter 19.8.*

No proposed development and or work on the existing structure(s) is being proposed therefore this criterion does not apply. The applicant should however be aware of the City's requirement for establishing color palettes in the industrial zones therefore this criterion will apply at such time the applicant or any party taking ownership of the property paint any portion of the property the above criterion shall be met.

#### *C. Outdoor Storage and Refuse/Recycling Collection Areas*

1. *No materials, supplies or equipment shall be stored in any area on a lot except inside an enclosed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets, no storage areas shall be maintained between a street and the front of the structure nearest the street.*

The application states that no development is proposed for this site at this time, however it should be noted that no future use will be allowed which violates the criteria spelled out here.

#### *19.7.100 Purpose*

*The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.*



### ***19.7.200 Legislative Amendments***

***A legislative amendment is a policy decision to be made by the City Council. A legislative amendment is reviewed using the Type IV procedure.***

The application is consistent with an adopted and recognized Comprehensive Plan therefore the applicant shall be required to go through a Quasi-Judicial Land Review not a Legislative Amendment since no new policies will be created as a result of this approval.

### ***19.7.300 Quasi-Judicial Amendments***

***A. Applicability of Quasi-Judicial Amendments. A quasi-judicial amendment involves the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decision). Quasi-Judicial district map amendments shall follow the Type III procedure, as governed by Chapter 19.1.400, using standards of approval in (B) below. The approval authority shall be as follows:***

- 1. The Planning Commission shall review and may approve land use district map changes that do not involve comprehensive plan map amendments;***

The application involves the change to the land use district map and not a change to the Comprehensive Plan map as approved. The change will result in placing an industrial zoning (M2) over what is currently a county zoned parcel (RRFF-5). See Exhibit "B" Molalla's Land Use Map from the Comprehensive Plan.

- 2. The Planning Commission shall make a recommendation to the City Council on application for a Comprehensive Plan map amendment. The City Council shall decide such applications, and***

The Planning Commission is scheduled to hold a public hearing on August 3, 2010 at which time a recommendation is expected to be forwarded to the City Council at a future hearing for a final decision.

- 3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.***

The Planning Commission shall make a recommendation to the City Council at the August 3, 2010 hearing on both the Annexation and Zone Change.

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PLANNING DEPARTMENT

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***B. Criteria for Quasi-Judicial Amendments. A recommendation or decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:***

***1. Approval of the request is consistent with the Statewide Planning Goals;***

The statewide planning goals were reviewed and approved under review of the Comprehensive Plan which was approved by the State of Oregon. The application calls for an annexation and zone change consistent with the City of Molalla's Comprehensive Plan.

***2. Approval of the request is consistent with the Comprehensive Plan;***

The Comprehensive Plan spells out the zoning for land within the already established Urban Growth Boundary. The Comprehensive Map, attached as Exhibit "B", lays out what zoning will be once property is annexed from the land within the Urban Growth Boundary into the City. This application is consistent with the map as it calls for a M2 (Heavy Industrial District) to be placed on this property which is consistent with the applicants request.

This action is consistent with a City Council goal for 2010-2011 which calls for "cleaning up islands of county land surrounded by city lands. These types of uses often receive benefits of a city but do not pay city taxes.

***3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and***

Adequate public facilities exist near the subject property and are planned to be provided to the site in future plans. This network of planning is often called the "4-Corners" Plan which calls for a collector to run parallel with this property from Highway 213 to Molalla Forest Road.

***4. The change is in the public interest with regard to neighborhood or community conditions or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and***

Bringing these blighted parcels out of the county and into the city limits where re-development is more feasible will help with the look of the area. The ability to clean up islands of county land will better help the community to address needs and obtain appropriate taxes for such needs.

**5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.***

The applicant is not proposing a change in the use of the property at this time. At a future date the applicant may propose a change that will be required to meet the standards of the Molalla Development Code and in particular address any transportation planning efforts that may exist.

The Transportation Systems Plan sets out standards for road demands based on zoning. In the early 2000's Molalla added a controlled intersection, with ODOT assistance, which has created adequate capacity for the area. In the mid 2000's Molalla developed, with the State's assistance, the first portion of Commercial Parkway which will eventually provide a north south route to the property as well.

Any new development or expansion of the proposed lots will be required to be reviewed by both the City through a Design Review process and ODOT for review of improvements and enhancements that may be required to the Highway road system.

**19.7.400 *Conditions of Approval for Quasi-Judicial Amendments***

***A quasi-judicial decision may be approved, denied, or approved with conditions. Conditions imposed on quasi-judicial map or text amendment shall be based on applicable regulations and evidence in the record. A legislative amendment may only be approved or denied.***

The Planning Commission is recommending approval of the application with conditions which are consistent with a Quasi-Judicial review.

**19.7.500 *Record of Amendments***

***The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.***

A copy of the Molalla Development Code is available on the planning website at [www.molallaplanning.com](http://www.molallaplanning.com), at City Hall and the Molalla Public Library.

**19.7.600 *Transportation Planning Rule Compliance***

***Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with applicable Oregon Administrative Rules. If the development or amendment will significantly affect a transportation facility as determined under the rules, the applicant shall demonstrate compliance with the rules.***

See 19.7.300 (B.5) above for staff comments.

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THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS APPROVAL OF THIS ANNEXATION AND ZONE CHANGE WITH THE FOLLOWING CONDITIONS OF APPROVAL. REVIEW OF THE SUBMITTED DOCUMENTS IS NOT APPROVAL OF OMISSIONS, OVERSIGHT OF AUTHORIZATION OF NON-COMPLIANCE WITH ANY REGULATIONS OF THIS AGENCY OR OF THE REGULATIONS OF ANY OTHER AGENCY. THIS DECISION SHOULD NOT BE CONSIDERED A PRECEDENT SETTING RECOMMENDATION AS EACH PROJECT IS REVIEWED ON A CASE BY CASE BASIS.

When  
Complete

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1. No development or use of the property is being approved as a result of this application. Prior to using the property for an industrial use the applicant must go through a review with the Planning Department to determine whether additional land use reviews are required.
2. The applicant will have one year from the date of approval to hook up to public water and sewer at the owners expense. If no development or existing uses are abandoned and no need for public facilities exist this time limit may be extended by a period until such a use calls for the public water and sewer installation.

---

**DICK MILLER**, Planning Commission Chair  
City of Molalla

3rd Condition added at City Council Hearing:

This application is subject to a trip cap of 10 weekday pm peak hour trips onto OR 213 per ODOT's traffic manual. The trip cap shall sunset when alternate access to the site becomes available through the extension of the local street network, or OR 213 is widened.

# NOTICES

CITY OF MOLALLA  
PLANNING DEPARTMENT

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Mr. Ian Seeley  
31834 S. Hwy 213  
Molalla, OR 97038

Mr. Seeley,

The City has reviewed your application, file number CA 2010 - 2, submitted on May 6, 2010 and has deemed the application complete. The Planning Department will send notice as required by the Molalla Development Code and State Rules. The first expected hearing will be held on July 27, 2010 before the Planning Commission.

Notice was requested to be provided to:

Seeley-Wada Family LLC  
Ian Seeley  
31834 S Highway 213  
Molalla, OR 97038

Kristy Olson  
PO Box 572  
Lake Oswego, OR 97034

Please feel free to contact me with any questions or concerns you may have during this process at the numbers listed on this letterhead.

Best Regards,

Shane Potter, Planning Director  
117 N Molalla Ave  
Molalla, OR 97038  
(503) 829-7526

Cc:

Marc Howatt, Public Works Director  
Mike Penunuri, Lieutenant/Fire Marshall Molalla FD

Molalla Planning Department

Phone: 503-829-7526

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Website: [www.molallaplanning.com](http://www.molallaplanning.com)



# NOTICE OF PUBLIC HEARING – PLANNING COMMISSION

NOTICE CREATED ON JULY 8, 2010

**HEARING DATE & TIME:** TUESDAY AUGUST 3, 2010 7PM CITY HALL CONFERENCE ROOM, ENTER IN PLANNING DEPARTMENT, MOLALLA CITY HALL, 117 N. MOLALLA AVE, MOLALLA OR 97038

**FILE NUMBER:** CA 2010 – 2

**LEGAL DESCRIPTION:** TOWNSHIP 5 SOUTH, RANGE 2 EAST, SECTION 7D, TAX LOT 03503. ADDRESSED AS 31834 S. HWY 213.

**APPLICANT:** IAN SEELEY

**OWNERS:** SEELEY-WADA FAMILY LLC

**PROPOSAL:** ANNEXATION/ ZONE CHANGE

**CURRENT ZONING:** RRF5-5, RURAL RESIDENTIAL FARM FOREST 5-ACRE MINIMUM

**PROPOSED ZONING:** M-2, HEAVY INDUSTRIAL

**APPLICABLE CRITERIA:** TITLE 19.7 OF THE MOLALLA DEVELOPMENT CODE

**STAFF:** SHANE POTTER, PLANNING DIRECTOR

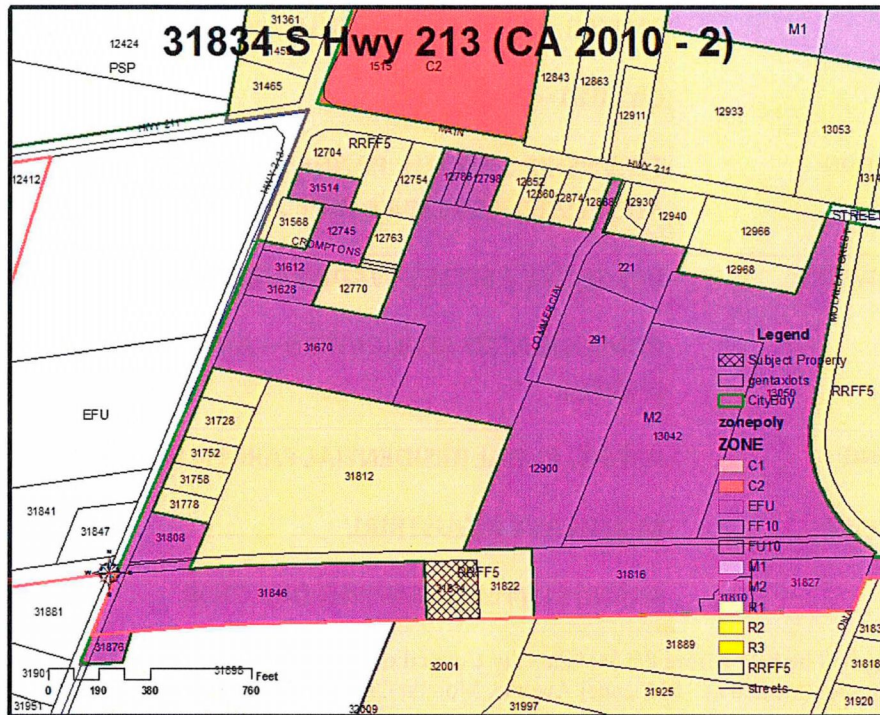
A public hearing will be held before the Planning Commission on the above mentioned application. Any interested party may submit written comments by email or letter to the Molalla Planning Department which must be submitted/received no later than noon the day of the hearing or any interested party may attend the public hearing 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 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.

**Nature of the proposal and proposed use or uses authorizable**

CA 2010 - 2 is a proposal to annex land into the city from the county and change the zoning from RRRF-5 (Rural Residential Farm Forest 5 acre minimum - county zoning) to M-2 (Heavy Industrial - city zoning).

**Project Location**



31834 S. Hwy 213, Molalla, OR 97038

Tax lot 52E07D03503

**Date, Time and Location of Hearing**

August 3, 2010 7PM City Hall Conference Room, 117 N Molalla Ave, Molalla, OR 97038

**SHANE POTTER, PLANNING DIRECTOR**  
City of Molalla Planning Department



Molalla Planning Department  
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## NOTICE OF PUBLIC HEARING – CITY COUNCIL

NOTICE CREATED ON SEPTEMBER 2, 2010

**HEARING DATE & TIME:** WEDNESDAY SEPTEMBER 22, 2010, 7PM MOLALLA ADULT CENTER, 315 KENNEL AVENUE, MOLALLA OR 97038

**FILE NUMBER:** CA 2010 – 2

**LEGAL DESCRIPTION:** TOWNSHIP 5 SOUTH, RANGE 2 EAST, SECTION 7D, TAX LOT 3503. ADDRESSED AS 31834 S HWY 213

**APPLICANTS/OWNERS:** IAN SEELEY / SEELEY-WADA FAMILY LLC

**PROPOSAL:** CONSOLIDATED APPLICATION – ANNEXATION AND ZONE CHANGE

**CURRENT ZONING:** RRF5, RURAL RESIDENTIAL FARM FOREST 5-ACRE MINIMUM

**PROPOSED ZONING:** M-2, HEAVY INDUSTRIAL

**STAFF:** SHANE POTTER, PLANNING DIRECTOR

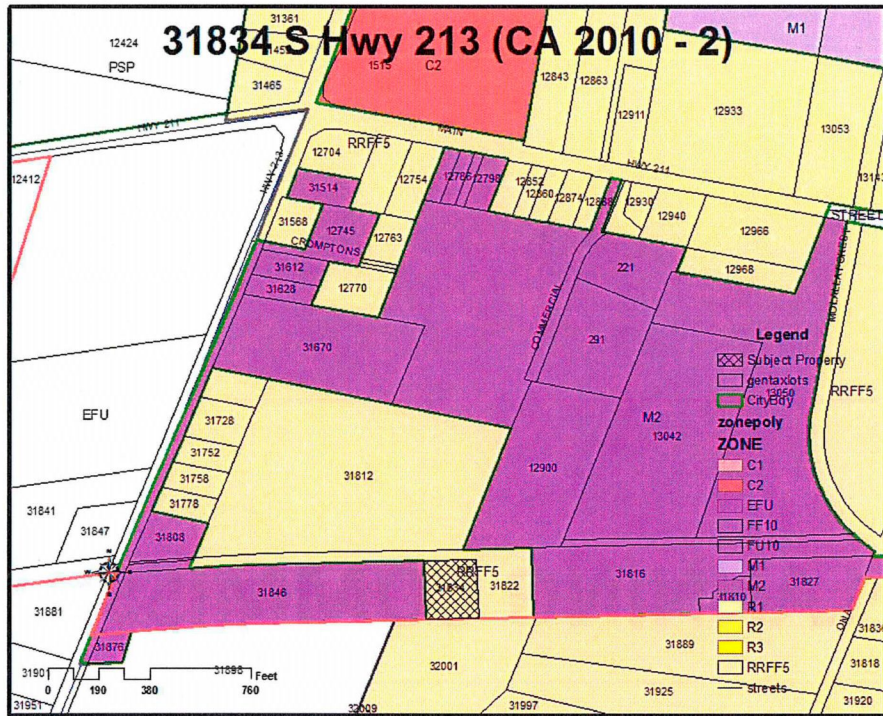
A public hearing will be held before the Molalla City Council on Wednesday September 22, 2010 at 7 p.m. at the Molalla Adult Center, located at 315 Kennel Avenue, Molalla Oregon. The purpose of the hearing is for the City Council to review a recommendation from the Planning Commission to approve a consolidated application.

All interested parties will be given an opportunity to testify about the proposal at the public hearing. Failure of an issue to be raised or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals based on that issue. The application and file are available for review at the Molalla Planning Department as well as our website at [www.molallaplanning.com](http://www.molallaplanning.com) or may be purchased for a reasonable cost. The Planning Commission report will be available a minimum of seven (7) days prior to the date of the hearing before the City Council for inspection and/or purchase.

<b>Nature of the proposal and proposed use or uses authorizable</b>
---

CA 2010-2 is a request for annexation and zone change from county land inside the urban growth boundary to city land consistent with the City of Molalla Comprehensive Plan.

**Project Location**



Molalla OR 97038

Tax lot 52E07D 03503

**Date, Time and Location of Hearing**

September 22, 2010, 7pm Molalla Adult Center located at 315 Kennel Avenue.

**Project Information**

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall at no cost and will be provided at a reasonable cost.

**PLANNING COMMISSION  
SIGN IN SHEET**

STAFF REPORT TYPE III ANNEXATION AND ZONE CHANGE

Report Date: July 27, 2010  
File No.: CA 2010-2  
Legal Description: Township 5 South, Range 2 East, Section 7D, Tax Lot 03503. 31834 S. Hwy 213  
Applicant: Ian Seeley  
Owner: Seeley-Wada Family LLC.  
Proposal: Annexation and Zone Change from RRFF-5 (Rural Residential Farm Forest, 5 acre minimum to M-2 (Heavy Industrial)  
Staff: Shane Potter, Planning Director

The applicant is requesting approval of an annexation of county land, within the cities adopted Urban Growth Boundary, and change the zoning from a county zoning of RRFF-5 to a city zoning of M-2 Heavy Industrial. The parcel in question is one (1) acre in size. A building is located on the property. This land use review is being conducted pursuant to the Molalla Development Code adopted on March 17, 2010.

**BACKGROUND**

Past background of the property is not known to city staff. The applicant states in their application material that the property was purchased in 2008 by Seeley-Wada Family LLC. The application further states that the previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property in 2008 he purchased it with the intent to use it for a shop and fabrication.

The property lies along an access (flag), approximately 1,110 feet off of Highway 213. The property is considered a county island in the fact that it lies, along with three other properties, in the middle of city limits. To the north lies both RRFF-5 and M-2 lands, to the west and east lies M-2 lands and to the south is RRFF-5 lands which are outside of the Urban Growth Boundary. Currently a long standing industrial business complex lies to the west of the property, a single family home lies on each lot to the north and east and a wildlife sanctuary on the northwest side. Nearby amenities include the Gramor Complex (a commercial development with multiple stores including but not limited to: Safeway, McDonalds and many other smaller scale commercial developments) (approximately 1,620 feet to the north), Highway 211 and Highway 213 intersection (approximately 1,705 feet to the northwest), and Molalla Forest Road (approximately 1,487 feet to the east).

This application includes the following sections of the Molalla Development Code:

- Section 17.4.114 M2 - Heavy Industrial
- Section 17.4.130 Industrial Districts - Setback Yards; Industrial Buffers
- Section 17.4.140 Industrial Districts - Site Layout and Design
- Chapter 19.7 Land Use District Map & Text Amendments

### **PROJECT DESCRIPTION**

Lot 52E7D 03503 lies south of Highway 211 off of Highway 213 via a flag lot. This property is an island surrounded by two other properties in the county surrounded on the east, west, and north by city zoned industrial lands and to the south by county lands outside the cities acknowledged Urban Growth Boundary. The property lies inside an identified and future planned industrial park which stretches from Highway 213 on the west to Molalla Forest Road on the east and Highway 211 to the north to the future urban boundary of the city on the south.

### **PROCEDURAL POSTURE**

The applicant originally submitted the application for an Annexation and Zone Change on May 6, 2010. The application was deemed completed on June 7, 2010. The application is being processed pursuant to the Molalla Development Code, with specific reference made to the above mentioned chapters. Notice was provided to the State of Oregon pursuant to ORS 197.610, OAR 660-018-000 on June 7, 2010 and identified as Exhibit "A". Notice to the public hearing before the Planning Commission was mailed on June 8, 2010. Notice is posted at City Hall and on the City's website. Posting occurred on June 8, 2010.

### **FINDINGS AND CONCLUSIONS**

For the reader's convenience, the applicable approval criteria have been listed below in bold *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 Development Code contains technical requirements for the submission of an Annexation and Zone Change; see the MDC chapters/sections mentioned above. Staff has reviewed the materials submitted by the applicant and has concluded that the applicant's submission meets the requirements of the Molalla Development Code.

#### ***17.4.114 M-2, Heavy Industrial District Development Standards:***

##### ***A. 25,000 sq ft - Minimum Lot Area (sq ft)***

The parcel is 1 acre in size (43,560 sq ft).

##### ***B. No Minimum - Minimum Lot Width***

The property has a lot width of approximately 200 feet.

##### ***C. No Minimum - Minimum Lot Depth***

The property has a lot depth of approximately 220 feet.

***D. 45 ft - Maximum Building Height***

The existing building is not greater than 45 foot in height and no additions shall be made which violate this standard.

***E. N0 - Building Height Transition***

Due to the development that exists surrounding the property no building height transition shall be required.

***F. 85% - Maximum Lot Coverage***

There is limited development currently on the property. No future development shall violate the maximum lot coverage requirements of the Molalla Development Code.

***G. 15% - Minimum Landscape Area (% of site)***

The property shall establish and maintain a minimum of 15% of the total property in landscaping. Based on the size of the property, 43,560 sq ft, the applicant shall be required to ensure that a minimum of 6,534 sq ft of landscaped areas is created if it does not exist and maintained.

***H. Minimum Setback (ft)***

- 1. Front - 20 ft***
- 2. Side - 10 ft***
- 3. Street Side - 20 ft***
- 4. Rear - 10 ft***
- 5. Along Arterials See TSP***

No proposed development is being made on the property therefore this criterion does not apply. No future development shall violate the minimum setback requirements unless a variance is applied for and approved as spelled out in the Molalla Development Code.

***I. Permitted Uses***

- 1. Basic Utilities***
- 2. Computer Component Assembly Plants***
- 3. Corporate or government headquarters or regional offices with 50 or more employees***
- 4. Experimental, film or testing laboratories***
- 5. Industries that manufacture from, or otherwise process previously prepared materials***

6. *Industrial and professional equipment and supply stores, which may include service repair of the same*
7. *Manufacturing and Production, fully enclosed*
8. *Parking Lot (when not an accessory use)*
9. *Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing*
10. *Quick Vehicle Servicing or Vehicle Repair*
11. *Transportation Facilities (operation, maintenance, preservation, and construction, in accordance with the City's TSP)*
12. *Veterinary clinics and hospitals for small animals (both large and small animals)*
13. *Warehouse & Freight Movement*
14. *Wholesale sales (per Section 17.4.110)*

No proposal has been made on the type of use for this property. At such time a use is proposed consultation with planning to determine the appropriate land use procedure shall take place.

*J. Accessory Uses*

1. *Accessory Structures*
2. *Agriculture - Nurseries & similar horticulture (see also, wholesale & retail uses)*
3. *Offices*
4. *Parks & Open Space*

No accessory uses are known to exist or are being proposed.

*K. Conditional Uses*

1. *Aircraft & Parts*
2. *Buildings & Structures exceeding the height limits*
3. *Bus Depot, but not bus garage or storage yard*
4. *Crematory*
5. *Drive-in Theatre*
6. *Entertainment, Major Event*
7. *Manufactured home used as a permanent residence for a night watchman or caretaker*
8. *Mining*
9. *Mobile Food Unit*
10. *Mortuary*
11. *Radio Frequency Transmission Facilities*
12. *Rail Lines & Utility Corridors*
13. *Recycling Depots*
14. *Research and Development Activities*
15. *Self Service Storage*

16. *Software and hardware development*
17. *Telecommunications Facilities*
18. *Temporary Uses per Section 19.9.100*

No Conditional Use is being proposed for this use. At any time that a conditional use is proposed for the site the applicant shall be required to go through a Conditional Use Review.

**17.4.130 Industrial Districts - Setback Yards; Industrial Buffers**

**A. Purpose.** *Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.*

**B. Applicability.** *The setback yard and buffer standards in table 17.4.120 are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F. In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 17.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.*

**C. Buffering Other Yard Requirements**

**1. Buffering.** *The approval body may require landscaping, fences, walls, or other buffering that exceed the landscaping standards in Chapter 18.2 when it finds through Site Design Review (Chapter 19.2), Conditional Use Permit review (Chapter 19.4), and/or Master Planned Development review (Chapter 19.5), where applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties. Additional buffers shall be required when new or major remodels occur where industrial lands abut a residential zone. Such requirements shall meet the following:*

- a.** *An additional six feet of vegetative buffer beyond that normally required by Chapter 18.2.500; and,*
- b.** *All parking that is visible from an existing or proposed street shall be screened from view from public rights-of-way.*
- c.** *New industrial development occurring next to residential zoned neighborhoods shall at a minimum:*
  - 1)** *Double their setbacks from shared property line(s) to the building, and allow parking within those setbacks;*



- 2) *Install a vegetative buffer which must reach 6 feet in height within three years from approval;*
- 3) *Install a site obscuring (sound reducing) wall 8 feet tall;*
- 4) *A reduction in these standards may occur if a letter signed by all affected property owners stating that they understand the impacts and will forego the requirements of this section is submitted to the Planning Director as part of a land use file.*

The applicant is not proposing any development. However the applicant should be aware of this criterion for future development since the parcel lies next to county residential lands.

2. *Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections with large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 18.1.*

Pedestrian access can occur from an easement that the applicant holds on an accessway running west from the subject property. At such time future build out of the road occurs in this area a paved pedestrian way (sidewalk) will exist for pedestrian travel.

#### *17.4.140 Industrial District - Site Layout and Design*

- A. *Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:*

1. *Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and*
2. *The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 17.4.130.*
3. *Industrial development that proposes the employment of 25 or more employees shall accommodate employees by incorporating an outdoor lunch area into their landscape plan.*
4. *Access ways shall be included to:*

- a. *Connect with existing or approved access ways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.*
- b. *Provides reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.*
- c. *Provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.*
- d. *Include street trees and street landscaping.*
- e. *Provide an integrated open space and pedestrian system with the development with appropriate connections to surrounding properties.*

No additional development is being proposed therefore this criterion will not apply at this time but may be addressed again at a future date when a proposal is planned for.

**B. Color Palette.** *Development in the industrial zones shall conform with the color palettes for building facades, building trim and signage.*

1. *Colors consistent with the color palettes shall be used. When questions arise regarding color consistency the Planning Director shall determine its compatibility with the color palette charts;*
2. *Base, trim and sign colors shall complement one another;*
  - a. *Base. Acceptable colors shall complement one another.*
  - b. *Trim.*
    - 1) *Only those colors listed in the Trim Palette are acceptable for use on a building trim. Trim colors shall not be used on more than 15 percent of each face of a building's exterior.*
    - 2) *Where brick, natural timber and/or stone is used on 15 percent or more of a street-facing facade, that building is entitled to display up to 20 percent of the street-facing facade with the colors listed in the trim palette.*
  - c. *Signs. Signs may display up to 50 percent of each face with colors listed in the City's Sign Palette. The remaining portion of the sign shall be listed on the base color palette.*
3. *Neon colors are prohibited;*

4. *Interpretation. An individual may request approval of a color not shown on the color palette by following a Type I Land Use Procedure. The applicant will be required to submit the following materials for the Planning Director for review:*
  - a. *A color rendering of the building illustrating the proposed color to be used;*
  - b. *A color scheme of the surrounding structures;*
  - c. *A narrative description explaining why the proposed color meets or can meet the intent of the color palette in question;*
5. *Only those colors listed in each of the respective color palettes will be allowed, however, the acceptability of "similar" or "like" colors will be left to the interpretation of the hearing body. Color palette interpretation will be processed in the same manner as code language interpretation outlined in Chapter 19.8.*

No proposed development and or work on the existing structure(s) is being proposed therefore this criterion does not apply. The applicant should however be aware of the City's requirement for establishing color palettes in the industrial zones therefore this criterion will apply at such time the applicant or any party taking ownership of the property paint any portion of the property the above criterion shall be met.

#### *C. Outdoor Storage and Refuse/Recycling Collection Areas*

1. *No materials, supplies or equipment shall be stored in any area on a lot except inside an enclosed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets, no storage areas shall be maintained between a street and the front of the structure nearest the street.*

The application states that no development is proposed for this site at this time, however it should be noted that no future use will be allowed which violates the criteria spelled out here.

#### *19.7.100 Purpose*

*The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.*

### *19.7.200 Legislative Amendments*

*A legislative amendment is a policy decision to be made by the City Council. A legislative amendment is reviewed using the Type IV procedure.*

The application is consistent with an adopted and recognized Comprehensive Plan therefore the applicant shall be required to go through a Quasi-Judicial Land Review not a Legislative Amendment since no new policies will be created as a result of this approval.

### *19.7.300 Quasi-Judicial Amendments*

*A. Applicability of Quasi-Judicial Amendments. A quasi-judicial amendment involves the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decision). Quasi-Judicial district map amendments shall follow the Type III procedure, as governed by Chapter 19.1.400, using standards of approval in (B) below. The approval authority shall be as follows:*

- 1. The Planning Commission shall review and may approve land use district map changes that do not involve comprehensive plan map amendments;*

The application involves the change to the land use district map and not a change to the Comprehensive Plan map as approved. The change will result in placing an industrial zoning (M2) over what is currently a county zoned parcel (RRFF-5). See Exhibit "B" Molalla's Land Use Map from the Comprehensive Plan.

- 2. The Planning Commission shall make a recommendation to the City Council on application for a Comprehensive Plan map amendment. The City Council shall decide such applications, and*

The Planning Commission is scheduled to hold a public hearing on August 3, 2010 at which time a recommendation is expected to be forwarded to the City Council at a future hearing for a final decision.

- 3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.*

The Planning Commission shall make a recommendation to the City Council at the August 3, 2010 hearing on both the Annexation and Zone Change.

***B. Criteria for Quasi-Judicial Amendments. A recommendation or decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:***

***1. Approval of the request is consistent with the Statewide Planning Goals;***

The statewide planning goals were reviewed and approved under review of the Comprehensive Plan which was approved by the State of Oregon. The application calls for an annexation and zone change consistent with the City of Molalla's Comprehensive Plan.

***2. Approval of the request is consistent with the Comprehensive Plan;***

The Comprehensive Plan spells out the zoning for land within the already established Urban Growth Boundary. The Comprehensive Map, attached as Exhibit "B", lays out what zoning will be once property is annexed from the land within the Urban Growth Boundary into the City. This application is consistent with the map as it calls for a M2 (Heavy Industrial District) to be placed on this property which is consistent with the applicants request.

This action is consistent with a City Council goal for 2010-2011 which calls for "cleaning up islands of county land surrounded by city lands. These types of uses often receive benefits of a city but do not pay city taxes.

***3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and***

Adequate public facilities exist near the subject property and are planned to be provided to the site in future plans. This network of planning is often called the "4-Corners" Plan which calls for a collector to run parallel with this property from Highway 213 to Molalla Forest Road.

***4. The change is in the public interest with regard to neighborhood or community conditions or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and***

Bringing these blighted parcels out of the county and into the city limits where re-development is more feasible will help with the look of the area. The ability to clean up islands of county land will better help the community to address needs and obtain appropriate taxes for such needs.

**5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.***

The applicant is not proposing a change in the use of the property at this time. At a future date the applicant may propose a change that will be required to meet the standards of the Molalla Development Code and in particular address any transportation planning efforts that may exist.

The Transportation Systems Plan sets out standards for road demands based on zoning. In the early 2000's Molalla added a controlled intersection, with ODOT assistance, which has created adequate capacity for the area. In the mid 2000's Molalla developed, with the State's assistance, the first portion of Commercial Parkway which will eventually provide a north south route to the property as well.

Any new development or expansion of the proposed lots will be required to be reviewed by both the City through a Design Review process and ODOT for review of improvements and enhancements that may be required to the Highway road system.

**19.7.400 *Conditions of Approval for Quasi-Judicial Amendments***

***A quasi-judicial decision may be approved, denied, or approved with conditions. Conditions imposed on quasi-judicial map or text amendment shall be based on applicable regulations and evidence in the record. A legislative amendment may only be approved or denied.***

Staff is recommending approval of the application with conditions which is consistent with a Quasi-Judicial review.

**19.7.500 *Record of Amendments***

***The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.***

A copy of the Molalla Development Code is available on the planning website at [www.molallaplanning.com](http://www.molallaplanning.com), at City Hall and the Molalla Public Library.

**19.7.600 *Transportation Planning Rule Compliance***

***Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with applicable Oregon Administrative Rules. If the development or amendment will significantly affect a transportation facility as determined under the rules, the applicant shall demonstrate compliance with the rules.***

See 19.7.300 (B.5) above for staff comments.

CITY OF MOLALLA  
PLANNING DEPARTMENT

PO Box 248 Molalla, OR 97038  
<http://www.molallaplanning.com>

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

[planner@molalla.net](mailto:planner@molalla.net)/[planner2@molalla.net](mailto:planner2@molalla.net)

STAFF **APPROVES** THIS **ANNEXATION AND ZONE CHANGE** WITH THE FOLLOWING CONDITIONS OF APPROVAL. REVIEW OF THE SUBMITTED DOCUMENTS IS NOT APPROVAL OF OMISSIONS, OVERSIGHT OF AUTHORIZATION OF NON-COMPLIANCE WITH ANY REGULATIONS OF THIS AGENCY OR OF THE REGULATIONS OF ANY OTHER AGENCY. THIS DECISION SHOULD NOT BE CONSIDERED A PRECEDENT SETTING RECOMMENDATION AS EACH PROJECT IS REVIEWED ON A CASE BY CASE BASIS.

Check when  
Complete

1. No proof of a continued use of the house exists therefore the applicant is required to provide proof of continued use of the house. Failure to provide such proof shall eliminate the ability of the house to be used for residential purposes in the future.
2. The applicant shall provide proof of ownership of the house. Currently the assessors office has Seeley-Wada LLC. as the owner. While it is portrayed that Mr. Seeley is the representative of the LLC. no proof was provided with the application of such ownership representation.
3. No development or use of the property is being approved as a result of this application. Prior to using the property for an industrial use the applicant must go through a review with the Planning Department to determine whether additional land use reviews are required.
4. The applicant will have one year from the date of approval to hook up to public water and sewer at the owners expense. If no development or existing uses are abandoned and no need for public facilities exist this time limit may be extended by a period until such a use calls for the public water and sewer installation.

---

**SHANE POTTER**, Planning Director  
City of Molalla Planning Department

CITY OF MOLALLA PLANNING DEPARTMENT

AUGUST 3, 2010 - PLANNING COMMISSION

BOARD MEMBERS:

1. Jerome Beattie

NAME

2. Dick Miller

NAME

3. Deborah Rogge

NAME

4. Mary Lynn Jacob

NAME

5.  ROGER

NAME

6. Robert Stapler

NAME

7. \_\_\_\_\_

NAME

8. \_\_\_\_\_

NAME

9. \_\_\_\_\_

NAME



# CITY OF MOLALLA PLANNING DEPARTMENT

AUGUST 3, 2010 – PLANNING COMMISSION

PLEASE SIGN IN:

1. Kristy Olson 503-703-3512  
NAME PHONE

17705 Meekopolu L.O. OK 97084  
ADDRESS CITY STATE EMAIL

2. JAN SEELEY 503 819-9390  
NAME PHONE

ADDRESS CITY STATE EMAIL

3. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

4. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

5. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

6. \_\_\_\_\_  
NAME PHONE

ADDRESS CITY STATE EMAIL

**APPLICANT'S  
INFORMATION**

**MAY 6, 2010**

**SHANE POTTER  
CITY OF MOLALLA, PLANNING DEPT.  
P.O. BOX 248  
MOLALLA, OR 97038**

**RE: ANNEXATION AND ZONE CHANGE APPLICATION**

Dear Mr. Potter,

Enclosed is the requested application and paperwork pertaining to my annexation and zone change request for the property located at 31834 S. Hwy. 213 in Molalla, OR. As you and I have discussed, along with Kristy Olson, the surrounding area is zoned Heavy Industrial (M-2). This property along with the property adjacent to me, tax lot #3500 are the only two along the south side of the Urban Growth Boundary that are not zoned M-2 Heavy industrial but rather RRF 5.

According to the City of Molalla's Comprehensive Plan, the long-term objectives *"...are to continue to increase its employment/population ratio while fostering a strong trade-sector "industrial" job base."* This property meets the current and future plans for Heavy Industrial use in the City of Molalla.

At this time, there is no plan to further develop the land. For this reason, we believe that besides a recorded change in annexation and zoning, no other changes will be required along with this application.

Currently, the property is accessed by a shared private drive. I understand that the city has incorporated this private drive in their transportation plan as a local access street. This will enhance the access to all properties using this private drive currently, many of which are already Heavy Industrial. By changing this property to Heavy Industrial, it will allow for more of a flow of like businesses in the area now and for future development.

Thank you for your consideration. Please feel free to contact either Kristy or me by phone or email. Kristy can be reached at 503.703.3512, [atudekris@comcast.net](mailto:atudekris@comcast.net). I look forward to hearing from you.

Sincerely,

Ian Seeley  
31834 S. Hwy. 213, Molalla, OR 97038  
503.222.6400

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## **Section 2: Conformance with City of Molalla's Comprehensive Plan**

This section of the application contains responses that illustrate how this annexation and zone designation change conforms to the applicable standards, as well as contributes to the city of Molalla's comprehensive plan and future transportation changes.

### **Land Use Zoning**

#### ***17.4.100 Industrial District – Purpose***

*Chapter 17.4 accommodates industrial land uses in two Industrial Districts, Light Industrial (M-1) Heavy Industrial (M-2) and 1 employment zone. All three districts are intended to provide for land use compatibility while providing a high quality environment for businesses and employees.*

*M-2 Heavy Industrial District. Encourage the location of uses that have a strong industrial orientation. The regulations are intended to promote uses and developments that will support the economic viability of the City, protect the health, safety and welfare of the public health, safety, and welfare of the public, address the character of the area and provide certainty to property owners, developers and neighbors about the limits of what is allowed.*

**Response:** The property located at 31834 S Hwy. 213 is currently surrounded by M-2, Heavy Industrial, zoned property. With the city planning to improve the existing private driveway into a local street, it makes sense to zone this parcel M-2 Heavy Industrial to keep it consistent with the surrounding neighborhood.

#### ***17.4.110 Uses Allowed***

#### ***17.4.114 M-2, Heavy Industrial***

##### *Development Standards*

- A. 25,000 sq. ft. Minimum Lot Area (sq.ft.)\*Development must conform to lot width, depth, yard setback and coverage standards*
- B. No minimum – Minimum Lot Width*
- C. No minimum – Minimum Lot Depth*
- D. 45 ft. – Maximum Building Height*
- E. No – Building Height Transition*
- F. 85% - Maximum Lot Coverage*
- G. 15% - Minimum Landscape Area (% of site)*
- H. Minimum Setback (ft)  
Front: 20, Side 10, Street Side 20, Rear 10, Along Arterials see TSP*
- I. Fences & Gardening Retaining Walls*

*Max Height – Front 42’’, Max Height – Side 6’, Max Height – Street Side 6’,  
Max Height – Rear 6’.*

- J. Permitted Uses*
- K. Accessory Uses*
- L. Conditional Uses*

**Response:**

- A. The current lot size is 43,560 sq. ft.
- B. N/A
- C. N/A
- D. The building(s) do not exceed 45 Maximum Building Height, height is approx. 15 feet
- E. N/A
- F. The lot coverage is currently just under 15%
- G. Current Landscape Coverage is approx. 18.5%
- H. Current Setbacks are as follows;  
Front: 42’, Side: 87’, Street Side, 42’, Rear: 17’ and there are no arterials
- I. The fence along surrounding the property measures 6 ft. in height
- J. The current use of the property is Fabrication
- K. No accessory uses currently
- L. No conditional uses currently

**17.3.2 Development Standards**

*The development standards... .. apply to all new structures, buildings and development, and major remodels, in the Industrial Districts.*

**Response:** This application is only a request for an annexation and zone designation change; there are no plans for further development at this time.

**Administration and Procedures**

**19.1.610 Pre Application Conference**

*A. Purpose. The pre-application conference is to provide city staff with a summary of the applicant’s development proposal as well as an opportunity for staff to provide the applicant with information on likely impacts, requirements, approval standards, fees and other information that may affect the proposal.*

**Response:** A pre application discussion took place with Shane Potter on Friday, April 30, 2010. At this time he indicated that there might not be a need for one. The applicant does understand that the City might require a pre application conference.

**19.1.500 Type IV Procedure (Legislative)**

*B. Application requirements.*

1. *Application Forms.* A Type IV application shall be made on forms provided by the City.

2. *Submittal Information.* A Type IV application shall:

a. *Include the information requested on the application form;*

b. *Be filed with a map and one copy of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 19.2 (Land Use Review), 19.3 (Land Divisions), 19.6 (Modifications), 19.8 (Code Interpretations), and 19.9 (Miscellaneous Permits);*

c. *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards;*

d. *Include one set of pre stamped and pre addressed envelopes for all real property owners of record who will receive notice of the application. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City of the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application;*

e. *The fee required.*

3. *The applicant has the burden of demonstrating that all applicable approval criteria are or can be met.*

**Response:** A Type IV application has been submitted on the forms provided by the City. All required submittal information is included in this packet along with the application. The information provided demonstrates that all applicable criteria is met or can be met. All fees related to the proposed land use application have been submitted with this application, along with pre addressed prestamped envelopes.

C. *Notice of Hearing.*

1. *Required Hearings.* A minimum of 2 hearings, one before Planning Commission and one before the City Council, are required for all Type IV applications.

D. *Hearing Process and Procedure*

E. *Continuation of the Public Hearing*

F. *Decision Making Criteria*

G. *Approval Process and Authority*

H. *Notice of Decision*

I. *Final Decision and Effective Date*

J. *Record of Public Hearing*

**Response:**

C. The applicant understands that all public hearings pertaining to the Type IV permits shall comply with the applicable procedures of the Molalla Land Use Procedures.

- H. The applicant understands that all City decision making bodies have the right to impose clear and objective conditions of approval and that the applicant will be bound by those conditions.

**19.7.300 B. Quasi-Judicial Amendments**

*B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*
2. *Approval of the request is consistent with the Comprehensive Plan;*
3. *The property affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*
4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and*
5. *The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.*

**Response:**

B.

1. The annexation and zone change of the property located at 31834 S. Hwy. 213 is consistent with several of the Statewide Planning Goals in that it allows for consistency in the neighborhood and community with M-2 Heavy Industrial activity as well as follows the procedures the City of Molalla adopted to conform to the Statewide Planning Goals, for example: Goal 9, Economic Development. ***The purpose of this goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.*** One of the goals of the community is to provide more industrial and commercial land for development so that the population can work and live in the community instead of live in the community and commute out of town to work. This will make for a stronger more vital business community. By changing this property to industrial, it follows the future plans for commercial industrial growth. Also allowing for a larger sector to come in and use large landmass for production and industry. This site is currently adequate size, has flat topography, good access to the highway and availability of services for industrial development and is surrounded by M-2 Heavy Industrial.

2. According to the City of Molalla's Comprehensive Plan, industrial areas are planned for the economic benefit of the City as well as minimize impacts to residential development. It states that the City shall continue to provide enough industrial space to provide for its economic development. Under the Industrial Development



Policies, the City would like the industrial to be in the Southwest sector of Molalla, this property is located in this area. The UGB is set to expand to accommodate growth for 2030 projections, this property will again fit this area, is currently in the UGB and neighboring many M-2 Heavy Industrial properties.

3. The City of Molalla intends to improve what is now a shared private drive access to this property into a local access street. Currently, there is adequate transportation access to and from all sites that use this private drive. The applicant understands that this driveway is included in the City's transportation plan for future development.

4. Currently, the property is inconsistent with neighboring parcels and their zoning. In changing it to an M-2 Heavy Industrial Zone, it is more complimentary to the surrounding area as well as allows for future industrial growth for the City of Molalla. The property was purchased in late December 2007. The prior owner used it as a commercial use as well. The history and area permits industrial and commercial uses.

5. Since the property is currently in the UGB, it complies with the administrative rules of the Oregon Land Conservation and Development Commission. A private driveway currently serves the property. The applicant understands that the City of Molalla plans to improve this road as a future local access street. At the time this occurs, it will enhance the vehicular and pedestrian access, however, at this time it is adequate for the use.

## **PROPERTY DESCRIPTION**

The property was purchased in late 2008. The previous owner was not living on the property and was using the property for commercial use/business. When Mr. Seeley purchased the property, he purchased it with the intent to use it for a shop and fabrication. The property is zoned RRF 5.

The surrounding area is zoned M-2 Heavy Industrial. Mr. Seeley understands that the City of Molalla intends to improve the now private drive into a local access street, enhancing the access off of Hwy. 213 for local industrial sites. In order to make the community flow better, and for future industrial expansion or development, it makes sense to incorporate this parcel into the M-2 Heavy Industrial land that is already there.

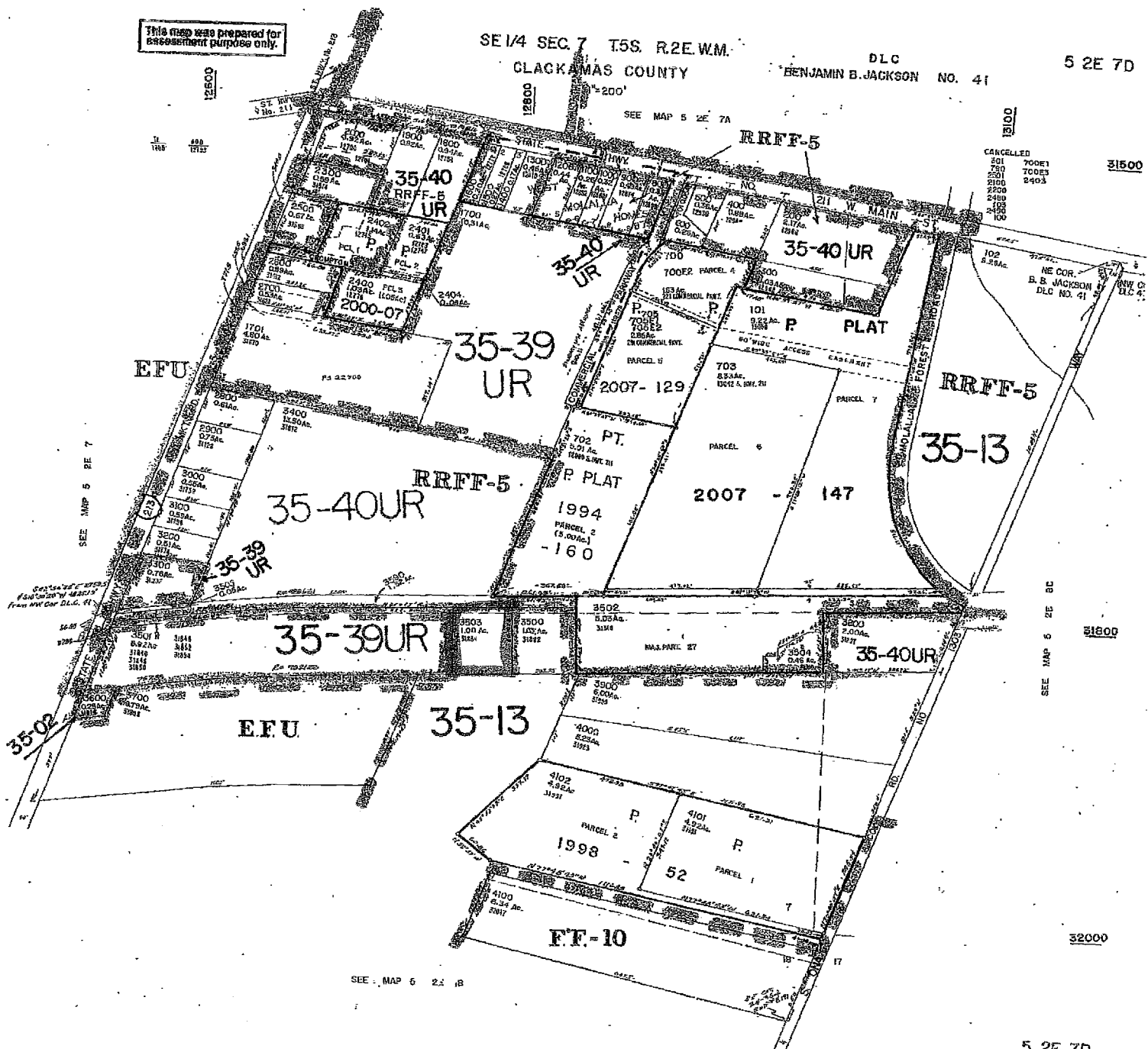
Mr. Seeley does not intend to do any further development at this time of this application. He understands that further development would require a different set of standards and permits, as well as further requirements.

This map was prepared for assessment purposes only.

SE 1/4 SEC. 7 T5S. R2E.W.M.  
CLACKAMAS COUNTY

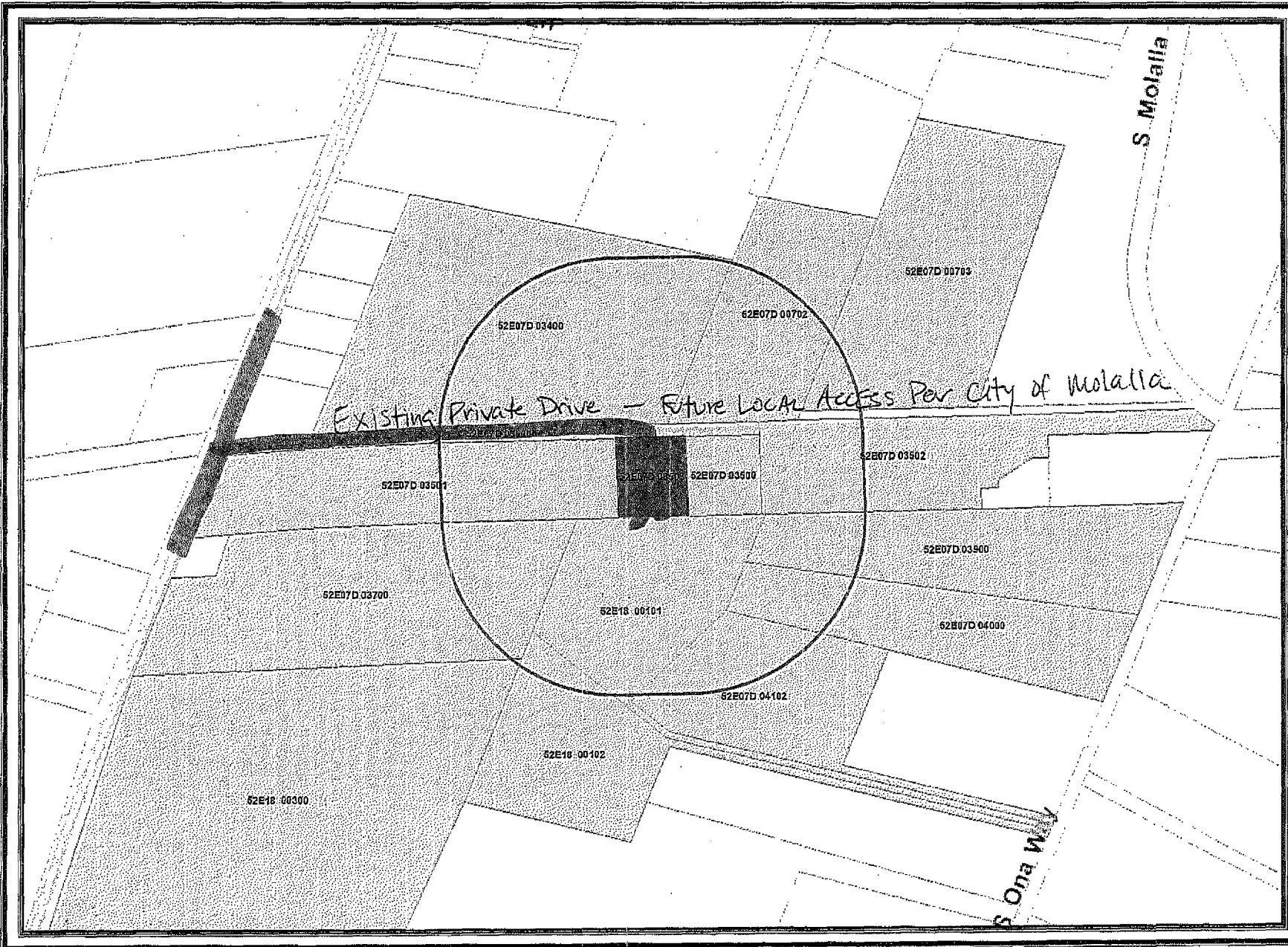
DLC  
BENJAMIN B. JACKSON NO. 41

5 2E 7D



SEE MAP 6 2E 7D

5.2E 7D  
BOOK 40



Prepared By  
  
 First American  
 Title Insurance Company  
 of Oregon  
 May 17th, 2010


 Molalla Access  
 Subject  
 2008 Plat  
 2010 Plat



This information is deemed reliable but is not guaranteed.

**AUGUST 5, 2010**

**SHANE POTTER  
CITY OF MOLALLA, PLANNING DEPT.  
P.O. BOX 248  
MOLALLA, OR 97038**

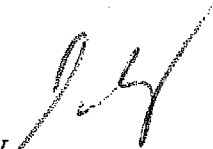
**RE: FILE #CA 2010-2**

Dear Mr. Potter,

As per the request of the planning commission and staff, this letter is to inform you that the mobile home on the property located at 31834 S. Hwy. 213 in Molalla, OR is not currently being used as a home. I understand the use as a home may be subject to planning commission and/or staff approval since the home has not been used in the past 12 months as a home.

If you need any further information regarding this condition to our application approval, please feel free to contact either Kristy or me by phone or email. The paperwork on the LLC will soon follow this letter. Kristy can be reached at 503.703.3512, [atudekris@comcast.net](mailto:atudekris@comcast.net). In addition, please let us know when the council hearing is so that we can plan to attend. Thank you.

Regards,

  
Ian Seeley  
31834 S. Hwy. 213, Molalla, OR 97038  
503.222.6400

## Business Registry Business Name Search

New Search

Business Entity Data

09-02-2010  
08:47

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
411952-98	DLLC	INA	OREGON	02-07-2007		
<b>Entity Name</b> SEELEY-WADA FAMILY LLC						
<b>Foreign Name</b>						

New Search

Associated Names

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS			
<b>Addr 1</b>	7219 NE 47TH AVE				
<b>Addr 2</b>					
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA

*Please click here for general information about registered agents and service of process.*

<b>Type</b>	AGT REGISTERED AGENT	<b>Start Date</b>	02-07-2007	<b>Resign Date</b>	
<b>Name</b>	IAN	TODD	SEELEY		
<b>Addr 1</b>	7219 NE 47TH AVE				
<b>Addr 2</b>					
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MAL MAILING ADDRESS				
<b>Addr 1</b>	IAN TODD SEELEY				
<b>Addr 2</b>	PO BOX 80664				
<b>CSZ</b>	PORTLAND	OR	97280	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MGR MANAGER			<b>Resign Date</b>	
<b>Name</b>	IAN	SEELEY			
<b>Addr 1</b>	7219 NE 47TH AVW				
<b>Addr 2</b>					
<b>CSZ</b>	PORTLAND	OR	97211	<b>Country</b>	UNITED STATES OF AMERICA

New Search

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SEELEY-WADA FAMILY LLC	EN	CUR	02-07-2007	

Please read before ordering Copies.

New Search

## Summary History

Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
04-10-2009	ADMINISTRATIVE DISSOLUTION	04-10-2009		SYS		
02-13-2009	NOTICE LATE ANNUAL	02-13-2009		SYS		
03-13-2008	AMENDED ANNUAL REPORT	03-13-2008		FI		
02-08-2008	NOTICE LATE ANNUAL	02-08-2008		SYS		
02-07-2007	ARTICLES OF ORGANIZATION	02-07-2007		FI	Agent	

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**CITY OF MOLALLA**  
P.O. Box 248  
Molalla, OR 97038  
(503) 829-6855



**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE SUITE 150  
SALEM OREGON 97301-2540**