

## FINDINGS OF FACT LOT LINE ADJUSTMENT (TYPE I LAND USE DECISION)

Report Date: April 4, 2008  
File No.: PLA 2008-1  
Project Name: Property Line Adjustment  
Legal Description: Township 5 South, Range 2 East, Section 9CA, Tax Lots 03700, 03800 and 03900.  
Applicant/Owners: Molalla Church of Christ and Junell-Hanson Enterprises  
Proposal: Adjust property lines so as to make them more useful for their respective owners. The current configuration does not lend itself to future expansion of the respective properties.  
Zone: C-1 (Central Commercial) and R-3 (Multi-family Residential)  
Staff: Zach Pelz, Assistant Planner  
Decision: **Approved** subject to conditions

The above referenced proposal was reviewed as a Type I Land Use procedure. The following Findings of Fact are adopted as supporting data. Approval of this partition is in accordance with Title 17 of the Molalla Municipal Code.

### FINDINGS OF FACT GENERAL

1. These findings supplement and are in addition to the Staff Report, which are incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The subject site consists of three (3) parcels located at 501 and 513 E. Main St. and 136 Fenton Ave.
3. Notice of the proposal was posted as required by the Molalla Municipal Code.
4. Successors-in-interest of the applicant must comply with site development requirements prior to the issuance of building permits.
5. A Church and supporting structure are located at 136 Fenton Ave and 513 E. Main St. respectively and a Laundromat is located at 501 E. Main St.
6. The applicant is proposing adjusting the lot lines on the aforementioned parcels to make them more usable for their respective owners.
7. No written or verbal comments were made to the file.

### CHAPTER 17.34: PROPERTY LINE ADJUSTMENTS

8. The application meets the requirements of the underlying zoning district. The dimension, density, yard, and property area requirements appear to meet the requirements of the Molalla Municipal Code.

9. The property lines are being adjusted for the first time in more than twelve months.
10. The applicant shall survey the property and provide monumentation in accordance with Oregon Law and a survey conforming to Oregon Law shall be filed with the City Recorder and the County Surveyor.
11. The applicant submitted the appropriate City forms.
12. The applicant provided drawings of the area drawn to an acceptable scale and location. Measurements are assumed to be correct.
13. Section 17.34.015(H) requires that no property line adjustment shall be approved which leaves any parcel without direct access to a public street. The initially proposed lot line adjustment in this application created a landlocked situation for the proposed tax lot 3800. Staff was concerned that because tax lot 3700 is currently zoned for Multi-family Residential use (R3) and proposed tax lot 3800 is currently zoned for Commercial use (C1), the potential would have existed for a multi-family dwelling to be bisected by heavy commercial traffic via a relatively small private access easement. As such, the applicant has agreed to delete the shared property line between tax lot 3700 and the amended portions of proposed tax lots 3800 and 3900. The eliminated property line(s) shall not be re-established without addressing the access issue to the southern portion of proposed lot [1].
14. In the event natural drainage ways, streams, wetlands, escarpments, slopes forty percent or greater, outcroppings, or other significant natural features exist, the applicant shall submit documentation illustrating the location of these features.

## DECISION

Subject to Chapter 17.34 (Property Line Adjustments) of the Molalla Municipal Code, City of Molalla Staff have reviewed this application and found:

The application for a Partition (PLA 2008-1) is **approved** as modified by the conditions of approval listed below:

## CONDITIONS OF APPROVAL

The following conditions of approval are adopted upon the plans submitted with the application on October 23, 2007.

1. When appeal has not been filed within fifteen (15) days as provided in section 16.04.200 of the Molalla Municipal Code.
2. The applicant will have one year to record the property line adjustment and to file an amended property deed with Clackamas County. Proof of the recording shall be filed with the City Recorder.
3. Prior to plat sign-off, the partition shall be surveyed and monumented in accordance with Oregon Law, and such survey shall be filed with the City Recorder and County Surveyor within one (1) year from the date the application is deemed approved.
4. Alterations of this application must be reviewed and approved by the Planning Department.

CITY OF MOLALLA  
**PLANNING DEPARTMENT**

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5. The applicant shall provide legal descriptions for all properties affected by this lot line adjustment.
6. A copy of the unsigned deed by which the application is proposed shall be provided to the record.
7. Property line adjustment deeds shall contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement.
8. There must be strict compliance with all pertinent sections of Chapters 17 (Subdivisions) and 18 (Zoning) of the Molalla Municipal Code.
9. The applicant shall submit proof that on-site septic tanks or drain fields have been abandoned in conformance with DEQ and Clackamas County requirements. Any on-site domestic or irrigation wells shall also be properly abandoned.
10. The applicant shall submit documentation illustrating the location of the aforementioned natural site features in the event these features exist.

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**Zach Pelz**  
Assistant Planner  
City of Molalla

**RIGHT OF APPEAL**

The decision by the Planning Director may be appealed to the City Council by filing an appeal with the Planning Department in the appropriate time frame.