

CITY OF MOLALLA
PO BOX 248
117 N MOLALLA AVENUE
MOLALLA OR 97038 503-829-6855

Receipt No: 1.111426 Jun 25, 2019

MALOY - 118 N COLE AVE

Previous Balance:	.00
BUILDING AND PLANNING	
PRE APP CONFERENCE	50.00
101-102-3-70-1100	
PLANNING FEES	

Total:	50.00
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CHECKS	
Check No: 2001	50.00
Total Applied:	50.00

Change Tendered:	.00
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06/25/2019 3:49 PM



Planning & Community Development
 117 N. Molalla Avenue
 P.O. Box 248
 Molalla, OR. 97038
 (503) 759-0219
 Fax: (503) 829-3676

<i>FOR OFFICE USE ONLY:</i>	
Planning File No. : _____	City Approval: _____
Date Received: <u>6/25/19</u>	Title: _____
_____ Fee: _____	Date: _____
Land Use Type: _____	Fee Paid: _____
Received by: _____	

APPLICATION FOR LAND USE ACTION

Type of Land Use Action Requested: (check all that apply)

- | | | | |
|--------------------------|---|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | Annexation | <input type="checkbox"/> | Conditional Use |
| <input type="checkbox"/> | Plan Amendment (Proposed Zone _____) | <input checked="" type="checkbox"/> | Partition (# of lots _____) |
| <input type="checkbox"/> | Planned Unit Development | <input type="checkbox"/> | Subdivision (# of lots _____) |
| <input type="checkbox"/> | Site Design Review | <input type="checkbox"/> | Other: _____ |
| <input type="checkbox"/> | Variance (list standards to be varied in description) | | |

Owner/Applicant:

Applicant: MALoy, Carol = N. Scott Phone: 503-763-4125
 Applicant Address: 14550 S. Claim Rd / P.O. Box 605 Email: MALoycarol@gmail.com
MOLALLA
 Owner: N. Scott = Carol MALoy Phone: 503-703-4125
 Owner Address: AS ABOVE → Email: _____
 Contact for additional info: TOWNSHIP SURVEY, Lee Spurgeon 503-656-4915

Property Information:

Address: 118 N. Cole Avenue

Assessors Map/Tax Lot: 55 2E 09CA, TAX LOTS 900 + 915 (05003891 = 01096236)

Current Use of Site: Single family Residence Zoning: R-2

Intended Use: DUPLEX OR ROW HOUSES ON PARTITIONED LOT

Proposed Action:

Proposed Use: _____

Proposed No. of Phases (one each year): _____

Authorizing Signatures:

I hereby certify that the information on this application and attachments are correct and that the property affected by this application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property. An authorization letter from the property owner has been attached in the event that the owner's signature has not been provided below.

Property Owner(s):

<u>N. Scott MALOY</u> Print or Type	<u><i>N. Scott Maloy</i></u> Signature
<u>Carol MALOY</u> Print or Type	<u><i>Carol Maloy</i></u> Signature

Applicant(s) or Authorized Agent:

<u>N. Scott MALOY</u> Print or Type	<u><i>N. Scott Maloy</i></u> Signature
<u>Carol MALOY</u> Print or Type	<u><i>Carol Maloy</i></u> Signature

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded** sets of plans*
- At least 3 copies** of narrative addressing application criteria*
- Fee** (along with calculations utilized to determine fee if applicable)

***Please Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

05003891

63-

Clackamas County Official Records 2016-081340
Sherry Hall, County Clerk

RECORDING REQUESTED BY AFTER RECORDING MAIL TO I



\$53.00

The Larson Law Firm, P.C.
1800 Blankenship Rd., Ste 400
West Linn, OR 97068

11/28/2016 10:54:57 AM

D-D Cnt=1 Stn=9 COUNTER1
\$5.00 \$16.00 \$22.00 \$10.00

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

N. Scott Maloy and Carol L. Maloy
14550 S Claim Road
Molalla, OR 97038

I Above Space for Recorder's Use Only

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, N. SCOTT MALOY AND CAROL MALOY, Grantors, convey and warrant to N. SCOTT MALOY AND CAROL L. MALOY, Trustees of the N. Scott Maloy and Carol L. Maloy Trust, executed the 15 day of November, 2016, Grantee, the following described real property free of encumbrances except as specifically set forth herein in the County of Clackamas, State of Oregon:

The East one-half of Lot 22, Block 2, J.V. HARLESS ADDITION TO MOLALLA, in the City of Molalla, County of Clackamas and State of Oregon.

(Commonly known as: 118 N Cole Avenue, Molalla, Oregon, 97038)

The said property is free from encumbrances except COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENT OF RECORD, IF ANY.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration paid for this conveyance is the mutual covenants and conveyances contained herein, which are for purposes of estate planning, and consist of value wholly other than of cash.

Date: November 15, 2016

N. Scott Maloy, Grantor

Carol Maloy, Grantor

State of Oregon)
) ss.
County of Clackamas)

Personally appeared before me this 15 day of November, 2016, N. SCOTT MALOY and CAROL MALOY, and acknowledged the foregoing instrument to be their voluntary act and deed.



Notary Public - State of Oregon
My Commission Expires Feb 23, 2020

24

RECORDING REQUESTED BY
AFTER RECORDING MAIL TO

The Larson Law Firm, P.C.
1800 Blankenship Rd., Ste 400
West Linn, OR 97068

Clackamas County Official Records
Sherry Hall, County Clerk

2017-080173



\$58.00

11/28/2017 10:00:10 AM

UNTIL A CHANGE IS REQUESTED
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

D-D Cnt=1 Stn=4 STEPHEN
\$10.00 \$16.00 \$22.00 \$10.00

N. Scott Maloy and Carol L. Maloy
14550 S Claim Road
Molalla, OR 97038

I Above Space for Recorder's Use Only

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For description see Exhibit "A" attached hereto and by reference made a part hereof.

(Commonly known as: Driveway to 118 N Cole Avenue, Molalla, Oregon, 97038)

The said property is free from encumbrances except COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENT OF RECORD, IF ANY.

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

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Notary Public - State of Oregon
My Commission Expires Feb 23 2020

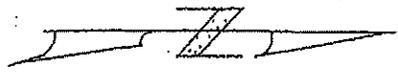
Exhibit "A"

A Parcel of land situate in a portion of Lot 6, Carma Court situate in the Northeast one-quarter of the Southwest one-quarter of Section 9; Township 5 South; Range 2 East of the Willamette Meridian, City of Molalla, County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at 5/8 inch iron rod, the Northeast corner of Lot 6, Carma Court; thence South 08' 20° 16" West 88.93 feet to a 5/8 inch iron rod, THE TRUE POINT OF BEGINNING; Thence South 72' 01° 31" East 113.00 feet to a 5/8 inch iron rod in the Westerly right of way of Cole Street; thence South 8' 20° 16" West 10.93 feet along the Westerly right of way of Cole Street to a 5/8 inch iron rod; thence North 73' 03° 10" West 112.99 feet to a 5/8 inch iron rod; thence North 8' 20° 16" East 10.98 feet to the TRUE POINT OF BEGINNING.

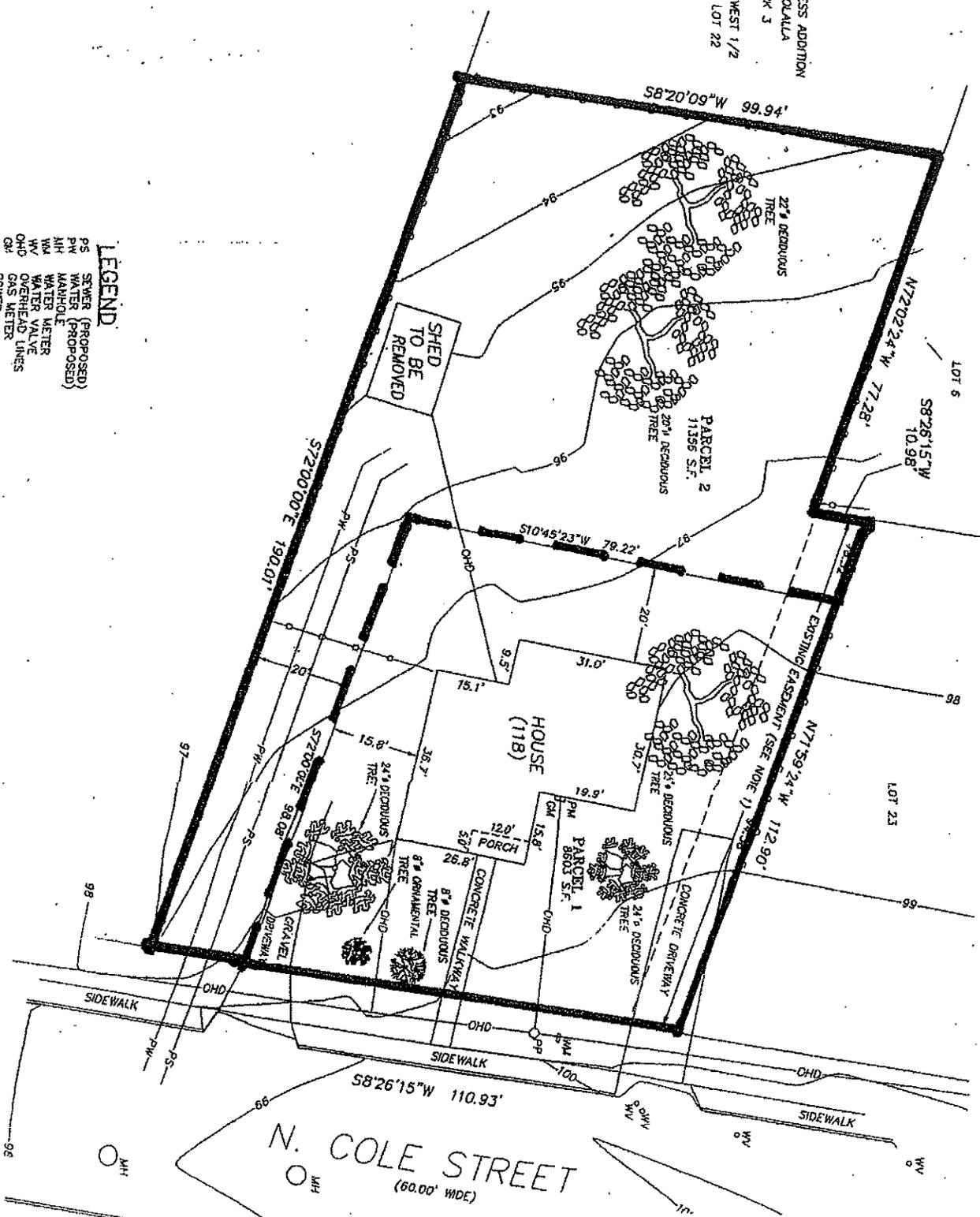
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2006
LEE A. SPURGEON
ASBOJLS



J.V. HARLESS ADDITION
TO MOLALLA
BLOCK 3
WEST 1/2
LOT 22

- LEGEND**
- PS SEWER (PROPOSED)
 - PM WATER (PROPOSED)
 - WA WATER MAIN
 - WH WATER
 - WM WATER METER
 - WV WATER VALVE
 - OH OVERHEAD LINES
 - GM GAS METER
 - PM POWER METER
 - PP POWER POLE
 - S.F. SQUARE FEET



N. COLE STREET
(60.00' WIDE)

DOCUMENT NO. 99-0629/8

DOCUMENT NO. 2009-000314

N82°26'15"E
10.98'(HELD)(D1)

INITIAL POINT
5/8" I.R.
HELD
(S)(SN 10719)

5/8" I.R.
HELD
(S)(CC)

110.20'09"E 99.94'(M)

PARCEL 2
12000 SQUARE FEET

S10°45'23"W 88.03'

PARCEL 1
7959 SQUARE FEET

EXISTING EASEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF PUBLIC UTILITIES (SEE NOTE 3)
S72°00'40"E 112.89'
112.99'(D1)

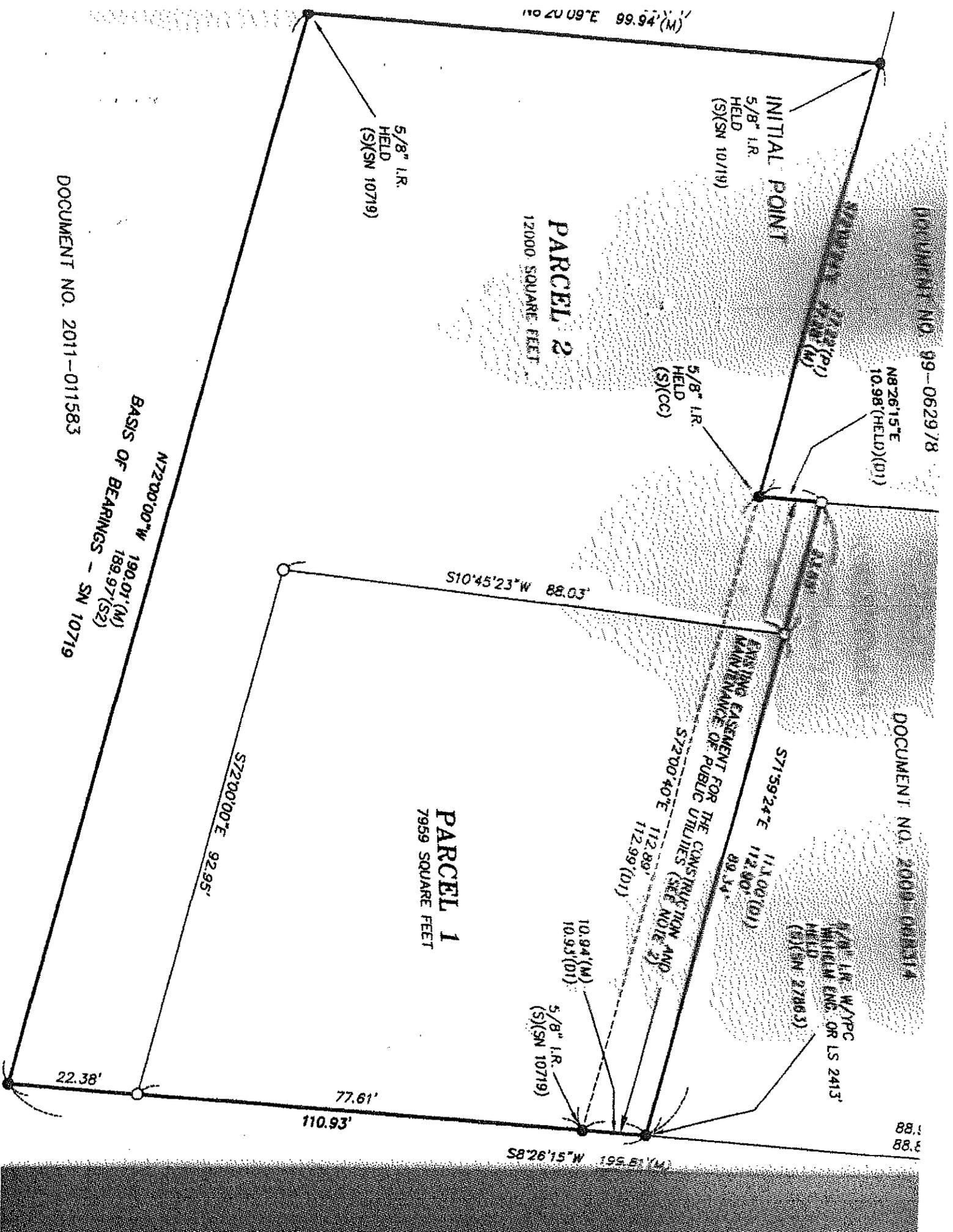
S71°59'24"E 112.90'
112.90'(D1)

5/8" I.R. W/YPC
HELD
(S)(SN 27083)

10.94'(M)
10.93'(D1)
5/8" I.R.
(S)(SN 10719)

N72°00'00"W 190.07'(M)
BASIS OF BEARINGS - SN 10719
189.97'(S2)

DOCUMENT NO. 2011-011583



88.1
88.5

S8°26'15"W 195.5'(M)

77.61'
110.93'

22.38'

S72°00'00"E 92.95'

Narrative for Minor Partition Application .. City of Molalla, Oregon

This application would create a separate R-2 residential lot, which would be a flag lot behind the residence at 118 N. Cole Avenue in Molalla.

The 20' wide entry would be on the South side of existing residence and a side walk curb cut already exists. City services and utilities would be brought in along this 20' entry.

The applicant made this application in 2014, and it was approved at that time. M002-14-MP.

The current R-2 zoning would allow construction of an additional single family house, a duplex, or row houses.

M002-14-MP documents

City of Molalla

FINDINGS AND DECISION LAND PARTITION

DATE: April 14, 2014
LAST DATE TO APPEAL: April 28, 2014
FILE NO.: M002-14-MP
LEGAL DESCRIPTION: Township 5 South, Range 2 East, Section 09CA, Tax Lot 900 and 915
ADDRESS: 118 N. Cole Avenue
APPLICANT: N. Scott and Carol Maloy
OWNERS: same
PROPOSAL: partition subject property into two (2) parcels, one for the existing residence and another for future single-family residential development.
CURRENT ZONE: R-2, Medium Density Residential District
CURRENT USE: single family residential

FINDINGS:

Subject to Chapter 19.12, Land Divisions and Property Line Adjustments, of the Molalla Municipal Code. City of Molalla Planning Staff has reviewed this application and finds:

1. The subject property fronts on N. Cole Avenue is occupied with a single-family residence. It is an oversized lot. This proposal involves partitioning into two (2) parcels to allow for a single-family residence on the new, vacant parcel.
2. Zone designation for the property is R-2, Medium Density Residential. Minimum size for new parcels in the R-2 Zone for single-family detached dwellings is 6,000 square feet. The property is approximately 20,000 square feet in size. Submitted application materials show Parcel 1, with the existing home will be 8,603 square feet in size and vacant Parcel 2 at 11,356 square feet.
3. Subsection(s) 19.04.1 and 19.22.100 of the Molalla Development code states that review of a partition plat shall be processed using the Type II land use process. This is a staff level decision that is appealable to the Planning Commission.
4. Chapter 19.12 of the MDC provides direction on land partitions. Subsection 19.12.110 details submittal requirements. Applicant has satisfied these requirements.

P.O. Box 248 - Molalla, Oregon 97038
Telephone 503-829-6855 • FAX 503-829-3676
E-Mail: city@molalla.net

5. Subsection 19.2.100 outlines the approval process for a land partition. Such decisions follow Type II procedures of the Molalla Municipal Code, as noted. In addition, this subsection states that approval of a land partition is effective for a period of two (2) years from the date of approval, during which time the final plat must be submitted.
6. Subsection 19.12.120 (A) lists approval criteria for a partition. The Planning Director or designee shall approve or deny a request for a land partition based on all of the following criteria:
 - a. *The proposed partition complies with the applicable development Code sections and all other applicable ordinances and regulations. No specific development is being proposed through this application for partition. A residence is in place on the property, and will remain. Setbacks and other dimensional standards for that development are met as shown on the submitted site plans. Future development for the proposed vacant parcel is generally described. This proposal does not prevent the remainder from developing. At time of specific application for the vacant parcel, applicable standards will be applied. This criterion is met.*
 - b. *The proposed plat name is not already recorded for another partition and satisfies the provisions of ORS Chapter 92. This criterion can be met as a condition of approval.*
 - c. *The proposed streets, roads sidewalks, bicycle lanes, pathways, utilities and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat. Notice of this application was sent to the Public Works Director for Molalla. No comments have been received as of this decision. As conditioned, below, this criterion can be satisfied.*
 - d. *All proposed common areas and improvements are identified on the preliminary plat. No common areas or improvements are planned. This criterion does not apply.*
 - e. *Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat. As conditioned, below, this criterion can be met.*
 - f. *Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met. Staff is unaware of any required improvements, or conditions as described. As conditioned, this criterion can be met.*
 - g. *If any part of the site is located within a Specific Area Plan District, Overlay Zone or previously approved Master Planned Development, it shall conform to*

the applicable regulations and/or conditions. No part of the site is located as described. This criterion does not apply.

7. Notice of this application was sent to area land owners, the City of Molalla, and Molalla Fire District. No comments were received in response.

DECISION: Planning staff is authorized to approve applications for land partitions pursuant to Subsection 19.12.120 of the Molalla Municipal Code. Based on the submitted application materials and the findings, above, Staff **APPROVES** this application for partition, subject to the following conditions:

1. Applicant shall record the partition within two (2) years of the date of this approval.
2. Any changes from that approved through this decision shall receive approval from the Planning Department.
3. Applicant shall submit a copy of the recorded plat map to the City within 15 days of recording and prior to issuance of any building permits on the re-configured lots.
4. Applicant to satisfy any required conditions from the Molalla Public Works Director, relative to infrastructure or other public works (contact Marc Howatt, at 503 829-6855.)
5. Required state and federal permits, if any, to be obtained prior to approval of the final plat.
6. The proposed plat name shall not already recorded for another partition and satisfies the provisions of ORS Chapter 92

Pursuant to Subsection 19.04.030(H) of the Molalla Municipal Code, this decision may be appealed to the Planning Commission within 14 days of this Decision. Those eligible to appeal are the applicant, any person who was entitled to written notice of the Type II administrative decision and any other person who participated in the proceeding by submitting written comments. The filing fee for an appeal is \$200.00. If no appeal is filed within 14 days, the decision of Planning Staff shall be final.

NOTICE OF APPLICATION RECEIVED BY
MOLALLA PLANNING DEPARTMENT
P.O. BOX 248; Molalla, OR 97038
Phone No.: 503-829-6855

This notice of application is being sent to you, as an adjacent or nearby property owner, for your information and possible comment prior to decision. A decision on this application will be made by planning staff based on adopted City criteria. Copies of the decision on this application will also be mailed, and an opportunity given to appeal the decision to the Molalla Planning Commission.

To: Property owners within 500 feet.

Subject: Land Partition

File No.: M002-14-M

Applicant: N Scott and Carol Maloy

Owner: same

Proposal: partition subject property into two (2) parcels

Ordinance Criteria: Sections 17.08.020, 19.04.030 and 19.12

Site Address: 118 N Cole Avenue

Legal Description: T5S, R2E, Section 09CA Tax Lot 900

Total Area Involved: Approximately 0.43 acres

Zoning: R2, Medium Density Residential

Planning Division Staff Contact: Clay Glasgow; 503-742-4520; email; clayg@co.clackamas.or.us

ALL INTERESTED CITIZENS ARE INVITED TO RESPOND BY **April 10, 2014**. WRITTEN COMMENTS ARE ENCOURAGED.

The ordinance criteria for evaluating this application and all documents and evidence submitted regarding this application are available for inspection and copies may be purchased at the County Planning Division office during office hours, 9:00 a.m. to 4:30 p.m. Monday thru Thursday.

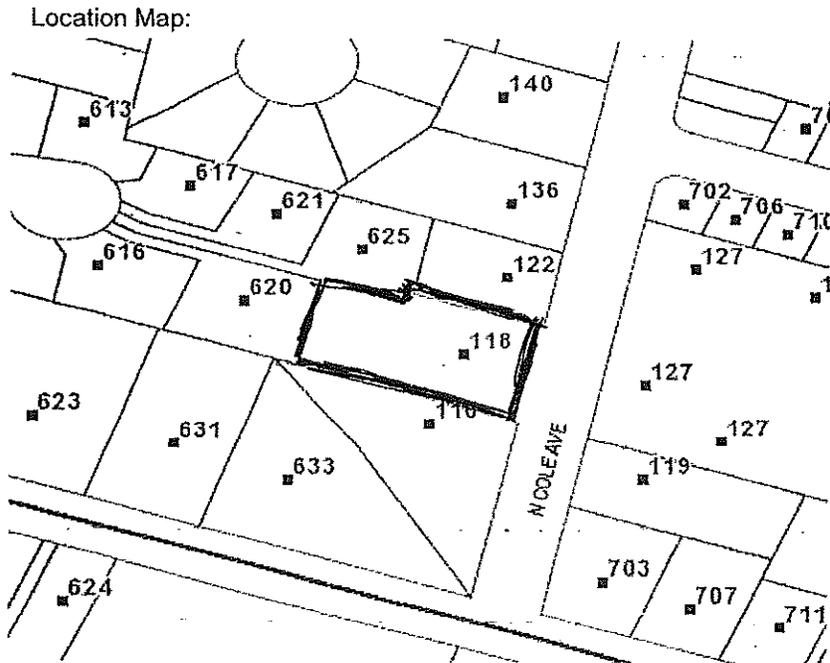


Geographic Information Systems
 168 Warner-Milne Rd
 Oregon City, OR 97045

Property Report

MALOY N SCOTT & CAROL
 PO BOX 605
 MOLALLA, OR 97038

Site Address: **NO SITUS**
 Taxlot Number: **52E09CA00900**
 Land Value: **1822**
 Building Value: **0**
 Total Value: **1822**
 Acreage: **0.03**
 Year Built:
 Sale Date: **09/11/2007**
 Sale Amount: **1000**
 Sale Type: **S**



Land Class:

101

Building Class:

Neighborhood:

City of Molalla newer

Taxcode Districts: 035002

Site Characteristics:

UGB: **MOLALLA**
 Flood Zone: **Not Available**

Zoning Designation(s):

Zone	Overlays:	Acreage:
R2		0.03
R2		0.43

Fire **Molalla RFPD #73**
 Park **N/A**
 School **SCH 35 MOLALLA RIVER**
 Sewer **N/A**
 Water **N/A**
 Cable **City**
 CPO **City**
 Garb/Recyc **Molalla Sanitary**
 City/County **Molalla**

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

MAP 5 2E 9DC

MARKET ROAD - N

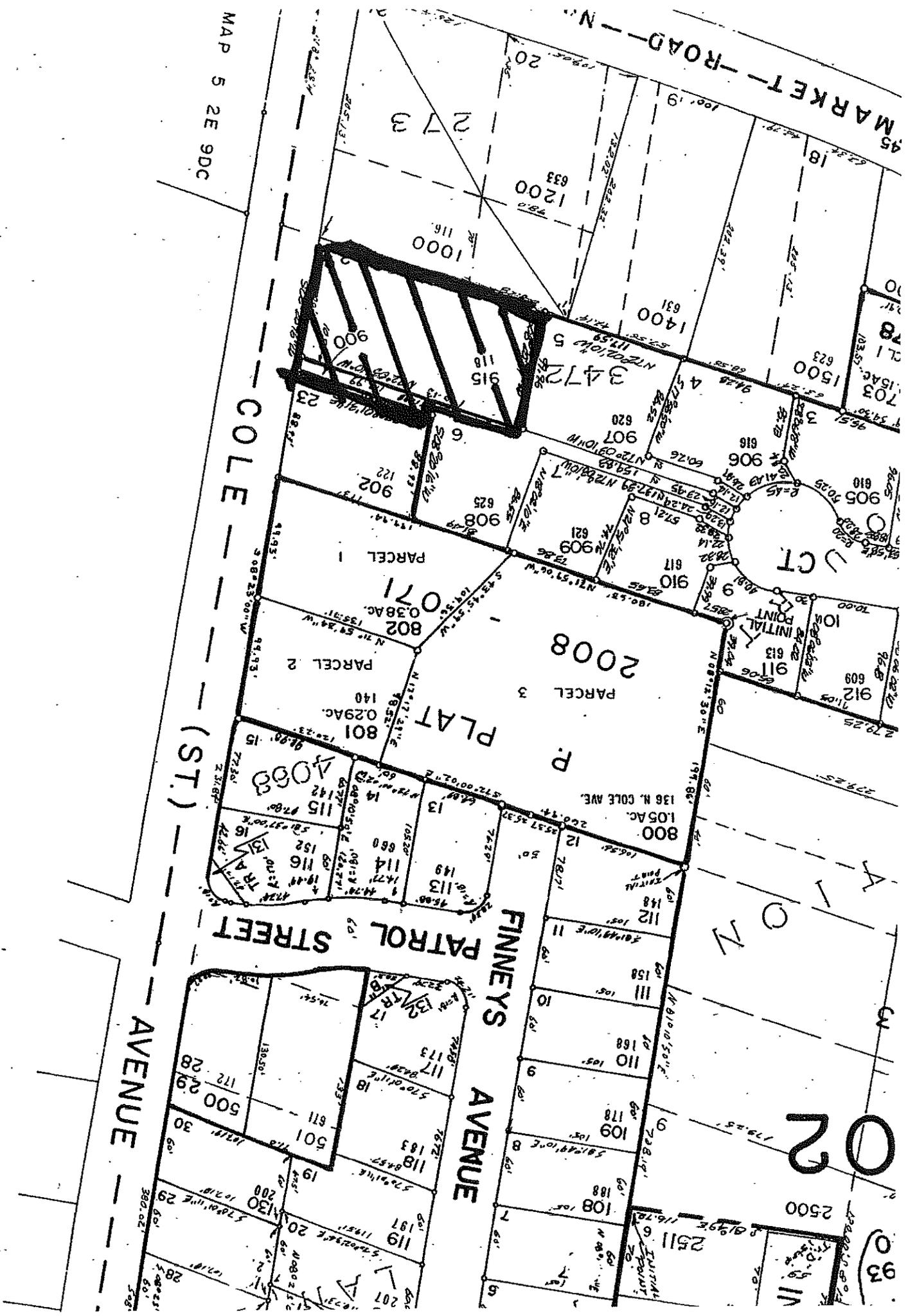
COLE (ST)

AVENUE

FINNEYS AVENUE

PATROL STREET

SEE MAP 5 2E 9D



02

03

IN

