
Public Hearing held at Molalla Adult Center, 315 Kennel Street, Molalla, OR 97038

I. Call to Order

Chairman Boreth called to order the regular meeting of the Molalla Planning Commission at 6:00 on May 17, 2011.

II. Roll Call

Commissioners: Jerome Beattie, present; Glen Boreth, present; Roger Gates, present; Melanie Maben, present; Bob Trexler, absent (excused)

Commissioner Scott Benthin resigned due to potential conflicts.

Commissioner Mary Lynn Jacobs resigned due to conflicts.

City Staff: Planning Director Shane Potter, present.

III. Flag Salute

IV. Public Comment Period

None

V. File No.: CA 2010-1 Public Hearing

Legal Description: Township 5 South, Range 2 East, Section 8DD, Tax Lots 09300 and 09400

Applicant/Owner: Vest Properties LLC.

Proposal: Comprehensive Plan Map Amendment, Zone Change, Site Design Review, Partition, and Conditional Use to change land currently light industrial to commercial land to develop a 164 multi-family dwelling units and nearly 30,000 square feet of commercial space.

Commissioner Maben moved to open the public hearing. Commissioner Beattie seconded. Motion carried (5-0).

Chairman asked the Planning Commission if there has been any Ex Parte Communication. There were none, nor any audience challenges.

Chairman Boreth explained the Quasi Judicial Land Use Procedure.

Hearing no ex parte communication, nor challenges from the audience, Chairman Boreth opened the hearing to Planning Director Potter.

City Planning Director Potter gave a background on the application, which was listed in the staff report.

Information via staff report.

(print in Garamond, size 11 is quoted from the staff report)

There is a long history to how this application came to be. In order to provide the easiest understanding of the time frame staff will provide a bulleted list of events.

- In 2007 the City of Molalla received a grant to complete a Downtown and Oregon 211 Streetscape Master Plan. This plan shows how property around the downtown could be better utilized. The plan also shows the streetscape design of properties along Highway 211. While this was originally suppose to be a master plan consultation with ODOT and City staff soon determined that the way the plan was written would be difficult for people to use therefore ODOT and staff agreed to use this document as a supporting document.
- On December 9, 2009 the City Council adopted an ordinance (Ordinance Number 2009-08) which established a moratorium on SDC's for development in the Commercial and Industrial zones.
- On February 12, 2010 the City issued a report on the pre-application conference to the applicants.
- On May 4, 2010 the City received a formal application from the applicant's engineers.
- On June 3, 2010 the City issued a letter stating that the applicant had not met the submittal criteria and listed the additional requirements to be met.
- In July of 2010 staff held a discussion with ODOT representative Sonya Kazen expressing some concerns due to the location and intensity and explained the potential for the City to receive grant monies to do a Quick Response.
- In July of 2010 the City and applicant met with representatives of the Quick Response and established a consensus to move forward with this application.
- On September 22, 2010 the City received approval for the Quick Response.
- On December 20, 2010 the City received additional material from the applicant to finalize the application.
- On January 18, 2011 the City deemed the application complete.
- In January of 2011 Staff contacted the Quick Response leader to express the cities frustrations on the time frame it was taking to complete the project.
- On February 21, 2011 the City received a rough draft of the Quick Response materials.
- On March 15 the City received a final draft of the Quick Response materials.

- On March 9, 2011 the City received a phone call from ODOT expressing additional concerns regarding potential problems with traffic onto the Highway. Staff contacted the applicant and explained the concerns at which time the applicant requested an extension of the originally scheduled March 14, 2011 hearing.
- On March 11, 2011 the City received an extension of the 120 day rule by 60 additional days.
- On March 14, 2011 the City held a public hearing and extended the hearing until April 4, 2011 with no additional notice being made at that time.
- On March 24, 2011 the City held a phone meeting with ODOT and the applicant to determine what issues still exist and a process to move forward.

This property lies between two streets Hart Street and Shaver Street. The property is long and narrow. The application shows the owner to be Troy Vest. The property is approximately 1,400 feet long by 240 feet wide. This property currently resides within the City limits of Molalla. The property is bordered to the south by a small piece of property. The uses within the area are mostly residential in nature with some industrial development existing to the southwest of the subject property. Nearby amenities include Molalla City hall which lies to the west (approximately 800 feet), Fox Park which lies to the east (approximately 626 feet), Long Park which lies to the northeast (approximately 1,360 feet), Molalla Middle School which lies to the northwest (approximately 2,340 feet), and downtown Molalla which lies directly adjacent to the subject property.

STAFF **RECOMMENDS APPROVAL** OF THIS **CONSOLIDATED APPLICATION** 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.

1. PLANS SHALL BE ADJUSTED TO PLACE PARKING TO THE REAR OR SIDE INSTEAD OF ADJACENT TO W. MAIN STREET (HIGHWAY 211). THIS WOULD MEAN THAT THE TWO BUILDINGS ALONG THE FRONT IDENTIFIED AS THE RESTAURANT AND THE FAST FOOD WOULD NEED TO BE ADJUSTED TO ENSURE PARKING IS NOT SET BETWEEN THE TWO USES.
2. BOTH LOTS WHICH LIE ON THE W. MAIN STREET FRONTAGE SHALL PROVIDE AN ACCESS TO THE BUILDING WITHIN 20 FEET OF THE CORNER IN ORDER TO MEET THE REQUIREMENTS OF CORNER BUILDING ACCESS.
3. THE BUILDING IDENTIFIED AS "FAST FOOD" IS NOT PROVIDING WINDOWS ALONG THE WALL LENGTH ON THE NORTH SIDE. THE APPLICANT SHALL ADJUST THE SITE PLANS TO PROVIDE FOR A MINIMUM OF 40 PERCENT IN WINDOWS (16.4 FEET).
4. OUTDOOR STORAGE IS SHOWN TO BE CHAIN LINK WITH SLATS. CODE REQUIRES ALL OUTDOOR STORAGE AREAS TO BE BUILT WITH LIKE MATERIAL OF THE PRIMARY STRUCTURE. THE APPLICANT SHALL PROVIDE DETAIL SHEETS WHICH COMPLY WITH THIS STANDARD.
5. APPLICANT SHALL PROVIDE A NEW LIGHTING PLAN WHICH SHOWS A FOOT-CANDLE OF 3 ALONG ALL PEDESTRIAN WAYS.

6. THE APPLICANT SHALL USE CUT-OFF LENSES OR HOODS TO PREVENT GLARE AND LIGHT SPILL-OFF FROM A PROJECT SITE ONTO ADJACENT PROPERTIES FOR ALL LIGHTING INSTALLED.
7. LIGHTING SHALL COMPLY WITH THE DARK SKIES CRITERIA OF THE MOLALLA MUNICIPAL CODE UPON INSTALLATION.
8. THE APPLICANT MUST RE-CONFIGURE OR REMOVE THE DRIVE THROUGH IN ORDER TO COMPLY WITH THE CRITERIA ESTABLISHED IN 17.3.190. THE FAST FOOD CANNOT PROVIDE A DRIVE-UP/DRIVE-THROUGH WHICH IS ADJACENT TO A STREET.
9. THE APPLICANT SHALL ESTABLISH A HOME OWNERS ASSOCIATION TO TAKE CARE OF THE COMMON AREAS FOR THE TOWNHOMES IF SAID TOWNHOMES ARE GOING TO BE SOLD INDIVIDUALLY. PROOF OF THE HOME OWNERS ASSOCIATION SHALL BE FILED WITH THIS CITY AND PLACED IN THIS FILE.
10. THE APPLICANT SHALL ADJUST THE PLANS FOR THE TOWNHOMES AND PLACE BAY WINDOWS OR BALCONIES AS REQUIRED IN 17.2.200 (A.3) OF THE MDC.
11. THE APPLICANT SHALL PROVIDE PORCHES ON THE TOWNHOMES AS REQUIRED BY 17.2.200 (A.4) OF THE MDC.
12. THE PROPOSED TRASH RECEPTACLES SHOW A CHAIN LINK FENCE WITH SLATS. THE APPLICANT SHALL PROVIDE THE CITY WITH SCREENING WHICH RESEMBLES THE DEVELOPMENT OF THE SITE.
13. VISION CLEARANCE STANDARDS SHALL BE MET AT ALL TIMES.
14. TREE SIZES SHALL BE INCREASED TO A MINIMUM OF 2" AT TIME OF PLANTING.
15. SHRUBS SHALL BE INCREASED TO 5 GALLON IN SIZE. IF THE APPLICANT'S LANDSCAPE ARCHITECT/ENGINEER CAN SHOW THAT THERE IS NO REASON TO PROVIDE THIS SIZE SHRUB THE CITY WOULD TAKE SUCH EVIDENCE AS COMPLIANCE WITH THIS CRITERIA.
16. ALL LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 15 FOOT IN WIDTH.
17. LANDSCAPE PLANS SHALL BE MODIFIED TO INCLUDE SHRUBS IN THE LANDSCAPE ISLANDS.
18. THE DEVELOPER SHALL BE RESPONSIBLE FOR ENSURING THAT THE PLANTING OF TREES INCLUDING SOIL PREPARATION, GROUND COVER MATERIAL, STAKING, AND IRRIGATION EXIST FOR TWO YEARS AFTER PLANTING. THE PROPERTY OWNER SHALL CONTINUE TO BE RESPONSIBLE FOR TREE CARE AFTER THE TWO YEARS AS REQUIRED BY THE MOLALLA DEVELOPMENT CODE AND OTHER PERTINENT CITY ORDINANCES AND REGULATIONS.
19. THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH THE PUBLIC WORKS DIRECTOR, WHICH SHALL INCLUDE A FEE FOR THE CARE OF ALL STREET TREES. THIS CONDITION SHALL BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE.
20. THE APPLICANT IS REQUIRED TO PROVIDE LANDSCAPING IN ADVANCE OF AN OCCUPANCY PERMIT OR SUBMIT A SURETY BOND EQUAL TO THE COST OF THE LANDSCAPING. THE PLANNING DIRECTOR WOULD REQUIRE THE APPLICANT TO SUBMIT A MINIMUM OF 3 BIDS TO THE CITY FOR SUCH LANDSCAPING EXPENSE. LANDSCAPING IS REQUIRED NO LONGER THAN 6 MONTHS

FOLLOWING THE CERTIFICATE OF OCCUPANCY, IF A SURETY BOND IS FILED. IF INSTALLATION OF THE LANDSCAPING IS NOT COMPLETED WITHIN THE 6 MONTH PERIOD, THE SECURITY MAY BE USED BY THE CITY TO COMPLETE THE INSTALLATION.

21. THE APPLICANT SHALL PROVIDE DETAILS OF THE BICYCLE RACK DESIGN TO ENSURE COMPLIANCE WITH CODE. DETAILS SHALL SHOW HOW THE BICYCLE RACK IS DESIGNED TO SECURE THE FRAME AND AT LEAST ONE WHEEL, AND ACCOMMODATE A LOCKING DEVICE.

22. THE APPLICANT SHALL CHANGE THE DIMENSIONS OF 5TH STREET TO COMPLY WITH THE TRANSPORTATION PLAN WHICH (FIGURE 19) WHICH SHOWS THE FOLLOWING RIGHT OF WAY:

- 60 FOOT RIGHT-OF-WAY
- 6 FOOT BICYCLE LANES
- 8 FOOT SIDEWALK
- NO ON-STREET PARKING
- NO LANDSCAPE STRIP

SUCH RIGHT-OF-WAY SHALL BE APPROVED BY THE PUBLIC WORKS DIRECTOR AND PLANNING DIRECTOR PRIOR TO ANY CONSTRUCTION OR DEVELOPMENT BEGINS.

23. THE APPLICANT SHALL CONSTRUCT A SIGNAL TO ODOT STANDARDS AT THE INTERSECTION OF MAIN AND MOLALLA. CURRENTLY THIS LIGHT IS OPERATING AT A FAILING LEVEL. THE ADDITION OF THIS DEVELOPMENT WILL PUSH THIS INTERSECTION WELL BEYOND THE SAFETY ALLOWANCES.

24. THE APPLICANT SHALL PLACE A TRIP CAP OF 4,320 TRIPS ON THE PROPERTY. THIS TRIP CAP HAS BEEN DISCUSSED WITH ODOT AND THE APPLICANT AND IT IS UNDERSTOOD THAT THIS TRIP CAP WOULD ALLOW THE COMMERCIAL AND RESIDENTIAL DEVELOPMENT TO OCCUR, HOWEVER THE FAST FOOD WOULD NOT BE ABLE TO BE BUILT OUT AT THIS TIME. THE APPLICANT WILL BE REQUIRED TO WORK WITH ODOT ON AN ALTERNATIVE ANALYSIS IN ORDER TO BUILD PORTIONS AS PART OF THIS TRIP AND PUT THE ALLOWANCE FOR THE FAST FOOD TO BE PLACED ON HOLD UNTIL WHICH PROVIDES THE HIGHEST DEVELOPMENT OF LAND. SIMPLY USING THE FAST FOOD WOULD EAT UP A MAJORITY OF THE TRIPS AND WOULD NOT ALLOW MUCH MORE DEVELOPMENT OF THE SITE.

25. THE APPLICANT SHALL PLACE TURN LANES ON W. MAIN STREET (HWY 211) AND COMPLY WITH THE STANDARDS OF THE PUBLIC WORKS DIRECTOR AND THOSE REQUIREMENTS ESTABLISHED BY ODOT FOR SUCH TURN LANES. THERE IS EXPECTED TO BE A NEED GREATER THAN THE CURRENT RIGHT-OF-WAY LOCATED ON HIGHWAY 211 IN ORDER TO MEET THE TURN LANE STANDARDS. THE APPLICANT SHALL DEDICATE THE NECESSARY AMOUNT OF LAND NEEDED TO COMPLY WITH ODOT STANDARDS.

26. THE APPLICANT SHALL DEVELOP AND DEDICATE THE LANDS FOR THE EXTENSION OF 3RD STREET AND 5TH STREET. THIS DEDICATION SHALL COMPLY WITH THE PUBLIC WORKS DIRECTORS STANDARDS FOR STREETS.

27. THE APPLICANT SHALL RECONSTRUCT HART STREET AND SHAVER AVENUE DUE TO THEIR CURRENT CONDITION. SUCH RECONSTRUCTION SHALL COMPLY WITH THE STANDARDS OF THE PUBLIC WORKS DIRECTOR.
28. THE APPLICANT SHALL LIMIT ACCESS ONTO HART STREET FROM W. MAIN STREET (HWY 211) TO TURN IN TRAFFIC ONLY (ENTER FROM W. MAIN STREET TO HART STREET) AND RESTRICT TRAFFIC TO EXIT HART STREET ONTO HIGHWAY 211.
29. NO ADDITIONAL ACCESSES BEYOND THOSE OF HART STREET AND SHAVER AVENUE SHALL BE ALLOWED TO ACCESS W. MAIN STREET.
30. THE APPLICANT SHALL REDESIGN THE PLANS TO REMOVE THE ACCESS FROM PARCEL ONE (COMMERCIAL AND TOWNHOMES) ONTO 3RD STREET. ACCESS FROM PARCEL ONE WILL COME FROM SHAVER AVENUE AND HART STREET.
31. THE APPLICANT SHALL PROVIDE TREE WELLS CONSISTENT WITH THE REQUIREMENTS OF ODOT AND THE PUBLIC WORKS DIRECTOR ALONG W. MAIN STREET TO PROVIDE A BUFFER BETWEEN THE AUTOMOBILE AND THE PEDESTRIAN.
32. THE APPLICANT SHALL PROVIDE OUTDOOR SEATING FOR THE FAST FOOD RESTAURANT AS A WAY TO LIMIT THE IMPACTS CREATED BY FAST FOOD.
33. THE APPLICANT SHALL INCORPORATE PUBLIC ART THAT INCORPORATES OUTDOOR SEATING SUCH AS A SCULPTURE OR FOUNTAIN.
34. THE APPLICANT SHALL CLOSE ALL ACCESSES TO THE PROPERTY AS A RESULT OF DEVELOPMENT OF THE SITE.
35. THE APPLICANT SHALL CONSTRUCT THE DRIVEWAYS CONSISTENT WITH SECTION 18.1.200(K.3) OF THE MDC AND THE REQUIREMENTS ESTABLISHED BY THE PUBLIC WORKS DIRECTOR.
36. EVERGREEN HEDGES, TREES AND/OR DECORATIVE WALLS SHALL BE USED TO SCREEN THE PARKING AREAS THAT ARE ADJACENT TO STREETS.
37. SHRUBS SHALL BE REQUIRED TO BE PLANTED IN LANDSCAPE ISLANDS TO COMPLY WITH THE CODE.
38. ALL STREET TREES SHALL BE APPROVED BY THE PUBLIC WORKS DIRECTOR AND ODOT (ALONG W. MAIN STREET).
39. PRIOR TO BUILDING PERMIT ISSUANCE THE APPLICANT SHALL PROVIDE A GRADING AND EROSION CONTROL PLAN AS REQUIRED BY THESE CRITERIA.
40. NO SIGNS ARE BEING PROPOSED AT THIS TIME. AT SUCH TIME A SIGN IS INSTALLED THE OWNER SHALL APPLY FOR AND RECEIVE APPROVAL FROM THE CITY OF MOLALLA PRIOR TO ANY CONSTRUCTION OF THE SIGN.
41. HOURS OF OPERATION OF ANY OF THE COMMERCIAL BUSINESSES SHALL BE LIMITED TO 5AM - 12AM.

42. THERE ARE BUILDINGS WHICH DO NOT COMPLY WITH THE SETBACK REQUIREMENTS. THE APPLICANT SHALL ADJUST THE PLANS TO COMPLY WITH THESE REQUIREMENTS.
43. THE APPLICANT SHALL PROVIDE A MINIMUM OF 174 COVERED PARKING SPACES IN THE MULTI-FAMILY RESIDENTIAL PORTION OF THE DEVELOPMENT.
44. THE APPLICANT SHALL EXTEND THE RIGHT OF WAY ALONG SHAVER AVENUE TO 10' AND TURN THIS INTO A TRAIL RATHER THAN A 5' SIDEWALK. DUE TO THE SETBACK REQUIREMENTS THE ADDITIONAL 5' REQUIRED WILL BE COUNTED IN THE SETBACK AMOUNT. SINCE THIS TRAIL COMPLIES WITH THE NEEDS AS IDENTIFIED IN THE PARKS AND RECREATION MASTER PLAN STAFF WILL REDUCE THE AMOUNT OF PARK IN LIEU OF FEE BY THE AMOUNT OF ADDITIONAL SPACE CREATED BY THIS TRAIL.
45. THE APPLICANT SHALL PROVIDE MORE INTENSE SCREENING ALONG SHAVER AVENUE AND THE DEVELOPMENT TO BUFFER THE RESIDENCES FROM THE TRAIL.
46. ALL UTILITIES SHALL BE PLACED UNDERGROUND.
47. THE APPLICANT SHALL BE REQUIRED TO PAY A FEE IN LIEU OF PARK IN THE AMOUNT OF \$318,199.00 TO COMPLY WITH THE PARK REQUIREMENTS OF THE PLAN. THE APPLICANT MAY REQUEST TO PLACE A PARK IN AN ALTERNATE AREA IN AN AMOUNT OF 4.68 ACRES IN ORDER TO SATISFY THE REQUIREMENTS OF THE PARK DEMANDS. SUCH A PARK SHALL BE SUBJECT TO CITY COUNCIL APPROVAL. THIS FEE MAY BE REDUCED BY THE AMOUNT OF SPACE CONSTRUCTED FOR THE TRAIL ALONG SHAVER AVENUE AS REQUIRED LATER AS A CONDITION OF APPROVAL.
48. THE APPLICANT SHALL PROVIDE THE CITY WITH DETAILS ON THE TYPE AND HEIGHT OF THE OUTDOOR LIGHTING.
49. WINDOWS MAY NOT BE TINTED OR MIRRORED.
50. NO OUTDOOR MECHANICAL EQUIPMENT IS SHOWN BUT IF SUCH EQUIPMENT IS USED IT SHALL COMPLY WITH THE MOLALLA DEVELOPMENT CODE FOR SCREENING.
51. PER THE AGREEMENT FOR SDC WAIVERS TO BE ELIGIBLE FOR THE WAIVERS THE APPLICANT IS REQUIRED TO HAVE BUILDING PERMITS ISSUED WITHIN 180 DAYS FROM THE DATE THE APPLICATION IS APPROVED.
52. THE APPLICANT SHALL BE REQUIRED TO SUBMIT FOR FINAL PLAT APPROVAL PRIOR TO ANY DEVELOPMENT ON THE SITE.
53. A PLAT NAME SHALL BE PROVIDED FOR REVIEW AT TIME OF FINAL PLAT SUBMITTAL. NO FINAL PLAT APPROVAL MAY TAKE PLACE UNTIL A PLAT NAME HAS BEEN APPROVED BY THE CITY.
54. ANY ALTERATION MADE FROM THIS APPLICATION MUST BE REVIEWED AND APPROVED BY PLANNING THROUGH PROCEDURES ESTABLISHED IN THE MOLALLA DEVELOPMENT CODE.
55. THE PARTITION PLAT SHALL BE VALID FOR A PERIOD OF TWO YEARS. FAILURE TO SUBMIT A FINAL PLAT WITHIN TWO YEARS SHALL RESULT IN A LAPSE OF THE PARTITION AND THE PARTITION APPROVAL, IF APPROVED, VOID.

56. THE SITE DESIGN REVIEW SHALL BE VALID FOR A PERIOD OF ONE YEAR. FAILURE TO SUBMIT BUILDING PERMITS WITHIN ONE YEAR SHALL RESULT IN A LAPSE OF THE SITE DESIGN REVIEW AND THE SITE DESIGN REVIEW APPROVAL, IF APPROVED, VOID.
57. SETBACKS FOR THE MULTI-FAMILY DEVELOPMENT SHALL BE INCREASED TO MEET THE MINIMUM STANDARDS OF 17.2.114. THE CURRENT STANDARDS ARE MOSTLY MET BUT THERE ARE 4 DIFFERENT BUILDINGS WHICH ENCROACH UPON THE REQUIRED SETBACKS.
58. PRIOR TO FINAL APPROVAL ON THE FINAL PLAT, ALL REQUIRED PUBLIC IMPROVEMENTS SHALL BE INSTALLED, INSPECTED, AND APPROVED. ALTERNATIVELY, THE APPLICANT SHALL PROVIDE A PERFORMANCE GUARANTEE, IN ACCORDANCE WITH CHAPTER 19.1.840 OF THE MOLALLA DEVELOPMENT CODE.
59. ONCE THE PARTITION PLAT HAS BEEN APPROVED THE APPLICANT SHALL SUBMIT A FINAL PLAT FOR REVIEW WHICH WILL ENSURE CONSISTENCY WITH THE PARTITION PLAT APPROVAL. THE FINAL PLAT REVIEW IS A SEPARATE LAND USE ACTION.
60. AN APPLICATION FOR FINAL PLAT REVIEW SHALL BE REQUIRED BEFORE THIS PARTITION PLAT.
61. ANY ALTERATION MADE FROM THIS APPLICATION MUST BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT THROUGH PROCEDURES ESTABLISHED IN THE MDC.
62. PERMITS SHALL BE REQUIRED FOR THE DEMOLITION OF ANY BUILDINGS ON THE PROPERTY(S).
63. THE PARTITION PLAT SHALL BE VALID FOR A PERIOD OF TWO YEARS. FAILURE TO SUBMIT A FINAL PLAT WITHIN TWO YEARS SHALL RESULT IN A LAPSE OF THE PARTITION AND THE PARTITION APPROVAL, IF APPROVED, VOID.
64. THE PARKING AREA DEPICTED BETWEEN THE RESTAURANT AND FAST FOOD IS IN VIOLATION OF THIS SECTION. THE APPLICANT SHALL REDESIGN THE BUILDING LAYOUT ALONG THE FRONT TO COMPLY WITH THESE STANDARDS AND OTHER STANDARDS.
65. THE CITY SHALL RECEIVE ADEQUATE ASSURANCES THAT THE PARTITIONER HAS AGREED TO MAKE ALL PUBLIC IMPROVEMENTS WHICH ARE REQUIRED AS CONDITIONS OF APPROVAL OF THIS PLAN HAVE BEEN MET.
66. THE PUBLIC WORKS DIRECTOR SHALL CERTIFY THAT ALL REQUIRED PUBLIC IMPROVEMENTS ARE COMPLETED AND APPROVED.
67. AN IMPROVEMENT AGREEMENT BETWEEN THE CITY AND THE DEVELOPER, EXECUTED AND FILED WITH THE CITY. THE AGREEMENT SHALL BE ACCOMPANIED BY A PERFORMANCE GUARANTEE AS SPECIFIED BY THE CITY. UPON THE DEVELOPER'S REQUEST, THE AGREEMENT MAY BE EXTENDED FOR AN ADDITIONAL 6 MONTHS IF THE PERFORMANCE GUARANTEES ARE MODIFIED TO REFLECT ANY CHANGE IN COST OF CONSTRUCTION. THE AGREEMENT SHALL STATE THAT ALL IMPROVEMENTS COMPLETED WITHIN THE TERM OF THE AGREEMENT OR ITS EXTENSION SHALL BE COMPLETED BY THE CITY AT THE EXPENSE OF THE DEVELOPER. THE CITY SHALL ESTIMATE THE COST OF COMPLETING THE WORK, CALL UPON THE BOND OR DEPOSIT FOR FUNDS NECESSARY TO COVER THE COST, AND COMPLETE THE IMPROVEMENT(S) FROM FUNDS COLLECTED UNDER THE PERFORMANCE GUARANTEE. IF THE FUNDS COLLECTED UNDER THE PERFORMANCE GUARANTEE ARE NOT SUFFICIENT TO INSTALL THE REQUIRED IMPROVEMENT(S), THE CITY MAY EITHER HOLD THE COLLECTED FUNDS UNTIL ADDITIONAL FUNDS ARE AUTHORIZED FOR THE IMPROVEMENT(S) OR EXPEND THE COLLECTED FUNDS ON A REVISED

IMPROVEMENT(S) OR ON A PORTION OF THE IMPROVEMENT(S) AS DETERMINED REASONABLE BY THE PUBLIC WORKS DIRECTOR.

THE CONDITIONS OF APPROVAL BELOW SHALL BE COMPLETED AND REVIEWED AT THE TIME OF ENGINEERING REVIEW BEFORE THE PUBLIC WORKS DIRECTOR:

68. CONSTRUCTION OF DRIVEWAYS SHALL MEET THE REQUIREMENTS OF 18.1.200(K).
69. THE APPLICANT SHALL OBTAIN STORM WATER PERMITS FROM THE PUBLIC WORKS DIRECTOR AND ODOT IF SUCH STORM ENTERS W. MAIN (Hwy 211).
70. STREET TREES SHALL BE PLACED IN TREE WELLS ALONG W. MAIN STREET (Hwy 211) IN ORDER TO PROVIDE A SEPARATION FROM THE AUTOMOBILE AND THE PEDESTRIAN. SUCH STREET TREES SHALL BE REVIEWED AND APPROVED BY THE PUBLIC WORKS DIRECTOR AND ODOT FOR COMPLIANCE WITH THESE STANDARDS.
71. ODOT RIGHT-OF-WAY SHALL BE ENHANCED TO MEET THE STANDARDS AS ESTABLISHED ON PAGE 94 OF THE MOLALLA TRANSPORTATION SYSTEMS PLAN AND FURTHER DETAILED IN EXHIBIT M.
72. MARKED CROSSINGS SHALL HAVE CONTINUOUS, DETECTABLE MARKINGS, NOT LESS THAN 36 INCHES WIDE USING TEXTURAL MATERIAL THAT IS FIRM, STABLE, SLIP-RESISTANT, AND CONSISTENT WITH ADA (AMERICANS WITH DISABILITIES) ACT AND CHAPTER 11 OF THE STATE OF OREGON STRUCTURAL SPECIALTY CODE 1996 EDITION
73. WALKWAY AND ACCESSWAY SURFACES SHALL BE CONCRETE, ASPHALT, BRICK/MASONRY PAVERS, OR OTHER DURABLE SURFACE, AS APPROVED BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER, AT LEAST 5 FEET WIDE. MULTI-USE PATHS (I.E., FOR BICYCLES AND PEDESTRIANS) SHALL BE CONCRETE OR ASPHALT, AT LEAST 10 FEET WIDE. ADDITIONAL REQUIREMENTS BASED ON SPECIFIC TRAIL PLANS MAY EXIST IN SEPARATE PARKS AND/OR TRAIL PLANS. (SEE ALSO, SECTION 18.4.100 - TRANSPORTATION STANDARDS FOR PUBLIC, MULTI-USE PATHWAY STANDARD).
74. WALKWAYS SHALL COMPLY WITH APPLICABLE AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS. THE ENDS OF ALL RAISED WALKWAYS, WHERE THE WALKWAY INTERSECTS A DRIVEWAY OR STREET SHALL PROVIDE RAMPS THAT ARE ADA ACCESSIBLE, AND WALKWAYS SHALL PROVIDE DIRECT ROUTES TO PRIMARY BUILDING ENTRANCES.
75. WALKWAYS WITHOUT STAIRS SHALL HAVE A MAXIMUM SLOPE OF 5 PERCENT AND A MAXIMUM CROSS SLOPE OF 2 PERCENT. WALKWAYS SHALL BE PROTECTED BY BOLLARDS WHEN BORDERING PARKING SPACES. BOLLARDS SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES.
76. ALL SIGNIFICANT VEGETATION ON A SITE THAT IS NOT OTHERWISE DESIGNATED AND APPROVED BY THE CITY FOR REMOVAL SHALL BE PROTECTED PRIOR TO, DURING, AND AFTER CONSTRUCTION IN ACCORDANCE WITH A LIMIT-OF-CLEARING AND GRADING PLAN APPROVED BY THE CITY. THE CITY MAY LIMIT GRADING ACTIVITIES AND OPERATION OF VEHICLES AND HEAVY EQUIPMENT IN AND AROUND SIGNIFICANT VEGETATION AREAS TO PREVENT EROSION, POLLUTION, OR LANDSLIDE HAZARDS.
77. THE FOLLOWING DEVELOPMENT AND MAINTENANCE STANDARDS SHALL APPLY TO ALL DRIVEWAYS AND PRIVATE STREETS:

• DRIVEWAYS, PARKING AREAS, AISLES, AND TURNAROUNDS MAY BE PAVED WITH ASPHALT, CONCRETE, OR COMPARABLE SURFACING, OR A DURABLE NON-PAVING OR POROUS PAVING MATERIAL MAY BE USED TO REDUCE SURFACE WATER RUNOFF AND PROTECT WATER QUALITY. DRIVEWAY AND STREET MATERIALS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER.

• WHEN NON-POROUS PAVING IS USED, ALL DRIVEWAYS, PARKING AREAS, AISLES, AND TURNAROUNDS SHALL HAVE ON-SITE COLLECTION OF SURFACE WATERS TO ELIMINATE SHEET FLOW OF SUCH WATERS IN CONFORMANCE WITH CHAPTER 18.5 AND APPLICABLE ENGINEERING STANDARDS.

• WHEN DRIVEWAY APPROACHES OR "APRONS" ARE REQUIRED TO CONNECT DRIVEWAYS TO THE PUBLIC RIGHT-OF-WAY, THEY SHALL BE PAVED WITH CONCRETE SURFACING AND CONFORM TO THE CITY'S ENGINEERING DESIGN CRITERIA AND STANDARDS SPECIFICATIONS.

78. REQUIRED ACCESSIBLE PARKING SPACES SHALL BE IDENTIFIED WITH SIGNS AND PAVEMENT MARKINGS IDENTIFYING THEM AS RESERVED FOR PERSONS WITH DISABILITIES; SIGNS SHALL BE POSTED DIRECTLY IN FRONT OF THE PARKING SPACE AT A HEIGHT OF NOT LESS THAN 42 INCHES AND NO MORE THAN 72 INCHES ABOVE PAVEMENT LEVEL. VAN SPACES SHALL BE SPECIFICALLY IDENTIFIED AS SUCH.

79. CORNER CURB RADII SHALL BE AT LEAST 20 FEET, EXCEPT WHERE SMALLER RADII ARE APPROVED BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER.

80. CONCRETE CURBS, CURB CUTS, WHEELCHAIR RAMPS, BICYCLE RAMPS, AND DRIVEWAY APPROACHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS SPECIFIED IN CHAPTER 18.1, ACCESS CIRCULATION.

81. ACCESSWAY SURFACES SHALL BE PAVED WITH ALL WEATHER HARD-SURFACED MATERIALS AND DESIGNED TO DRAIN STORM WATER RUNOFF TO THE SIDE OR SIDES OF THE ACCESSWAY. PAVING, STORM DRAINAGE, SHOULDER TREATMENT, AND LANDSCAPING FOR ACCESSWAYS SHALL BE AS APPROVED BY THE PUBLIC WORKS DIRECTOR.

82. THE APPLICANT SHALL ENSURE SIDEWALKS ARE INSTALLED AS ILLUSTRATED IN THE SUBMITTED PLANS TO THE STANDARDS DESCRIBED IN THIS CODE AND FURTHER REQUIRED BY THE PUBLIC WORKS DIRECTOR.

83. NEW STREETS AND DRIVES SHALL BE PAVED WITH AN ALL WEATHER SURFACE AS APPROVED BY THE PUBLIC WORKS DIRECTOR.

84. ALL STREET IMPROVEMENTS INCLUDING SUB BASE, PAVEMENT, CURBS, SIDEWALKS, AND SURFACE DRAINAGE SHALL CONFORM TO THE PROVISIONS OF THIS CODE AND THE SPECIFICATIONS AND STANDARDS ON FILE IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR.

85. THE APPLICANT SHALL DEDICATE BOTH THE EXTENSIONS OF 3RD STREET AND 5TH STREET TO THE CITY OF MOLALLA.

86. ALL STREET IMPROVEMENTS, INCLUDING SUB-BASE, BASE, PAVEMENT, CURBS, SIDEWALKS, AND SURFACE DRAINAGE SHALL CONFORM TO THE PROVISIONS OF THIS CODE AND THE SPECIFICATIONS AND STANDARDS ON FILE IN THE OFFICE OF THE PUBLIC WORKS DIRECTOR.

87. FILL SLOPE SHALL BEGIN NO CLOSER THAN 2 FEET TO THE EDGE OF THE CURB. CUT AND FILL SLOPES SHALL NOT EXCEED A RATIO OF 2 HORIZONTAL TO ONE VERTICAL. THE PUBLIC WORKS DIRECTOR SHALL REVIEW THE SLOPES DURING ENGINEERING REVIEW. THE PUBLIC WORKS DIRECTOR MAY APPROVE SLOPES NOT TO EXCEED A ONE TO ONE RATIO UPON CERTIFICATION BY A QUALIFIED ENGINEER OR GEOLOGIST STATING THAT THE SLOPE WILL REMAIN STABLE UNDER ALL FORESEEABLE CONDITIONS.

88. THE APPLICANT SHALL PROVIDE SLOPE EASEMENTS ON THE ENGINEERING REVIEW PLANS WHICH SHALL BE REVIEWED AND APPROVED BY THE PUBLIC WORKS DIRECTOR. AT THAT TIME THE PUBLIC WORKS DIRECTOR MAY REQUEST SUCH SLOPE EASEMENTS BE DEDICATED TO THE CITY.

89. AREAS SET ASIDE FOR BICYCLE PARKING SHALL BE CLEARLY MARKED AND RESERVED FOR BICYCLE PARKING ONLY.

90. SANITARY SEWERS AND WATER MAINS SHALL BE INSTALLED TO SERVE EACH NEW DEVELOPMENT AND TO CONNECT DEVELOPMENTS TO EXISTING MAINS IN ACCORDANCE WITH THE CITY'S SANITARY SEWER MASTER PLAN, WATER SYSTEM MASTER PLAN, AND THE APPLICABLE CONSTRUCTION SPECIFICATIONS.

91. DEVELOPMENT PERMITS FOR SEWER AND WATER IMPROVEMENTS SHALL NOT BE ISSUED UNTIL THE PUBLIC WORKS DIRECTOR HAS APPROVED ALL SANITARY SEWER AND WATER PLANS IN CONFORMANCE WITH CITY STANDARDS.

92. THE PUBLIC WORKS DIRECTOR SHALL ENSURE ALL PARCELS ARE SERVED BY THE PUBLIC WATER SYSTEM OF THE CITY OF MOLALLA DURING ENGINEERING REVIEW.

93. THE PUBLIC WORKS DIRECTOR SHALL ENSURE ALL PARCELS ARE SERVED BY THE PUBLIC SEWER SYSTEM OF THE CITY OF MOLALLA DURING ENGINEERING REVIEW.

94. ADEQUATE WATER AND SEWER EXIST TO THE SITE FOR THIS DEVELOPMENT. STORM WATER DRAINAGE SHALL BE REVIEWED THROUGH THE ENGINEERING REVIEW PROCESS FOR ADEQUACY.

95. ALL UTILITY EASEMENTS SHALL BE RECORDED AND PROVIDED TO THE CITY. WHERE EASEMENTS ARE REQUIRED THE APPLICANT SHALL PROVIDE A 10 FOOT EASEMENT TO ENSURE ACCESS TO THE AREA IS AVAILABLE.

96. STREET LIGHT STANDARDS, WIRING, AND LAMPS SHALL BE INSTALLED ACCORDING TO THE SPECIFICATIONS AND STANDARDS OF THE PUBLIC WORKS DIRECTOR.

97. THE DEVELOPER'S REGISTERED PROFESSIONAL LAND SURVEYOR SHALL BE RESPONSIBLE FOR PROVIDING CERTIFICATION TO THE CITY THAT ALL BOUNDARY AND INTERIOR MONUMENTS SHALL BE REESTABLISHED AND PROTECTED.

98. THE APPROVED PLANS BY THE PUBLIC WORKS DIRECTOR SHALL BE REVIEWED BY THE UNITED STATES POSTAL SERVICE AND A LETTER PROVIDED TO THE CITY STATING THAT THE LOCATION OF THE MAILBOXES MEETS THE INTENTIONS OF THE POSTAL SERVICE.

99. ALL IMPROVEMENTS INSTALLED BY THE DEVELOPER SHALL BE GUARANTEED AS TO WORKMANSHIP AND MATERIAL FOR A PERIOD OF 2 YEARS FOLLOWING ACCEPTANCE BY THE CITY.

THE DEVELOPER IS REQUIRED TO PROVIDE THE CITY WITH A BOND FOR 10 PERCENT OF THE TOTAL COSTS OF IMPROVEMENTS IN THE DEVELOPMENT.

100. THE DEVELOPER SHALL MAKE ARRANGEMENTS WITH THE CITY, THE APPLICABLE DISTRICT, AND EACH UTILITY FRANCHISE FOR THE PROVISION AND DEDICATION OF UTILITY EASEMENTS NECESSARY TO PROVIDE FULL SERVICES TO THE DEVELOPMENT. THE CITY'S STANDARD WIDTH FOR PUBLIC MAIN LINE UTILITY EASEMENTS SHALL BE DETERMINED BY THE PUBLIC WORKS DIRECTOR AT TIME OF ENGINEERING REVIEW.

101. DURING THE ENGINEERING REVIEW THE PUBLIC WORKS DIRECTOR SHALL ENSURE THAT DRAINAGE IS LARGE ENOUGH TO ACCOMMODATE EXISTING AND POTENTIAL FUTURE RUNOFF FROM THE ENTIRE UPSTREAM DRAINAGE AREA, WHETHER INSIDE OR OUTSIDE THE DEVELOPMENT.

102. WHERE IT IS ANTICIPATED BY THE PUBLIC WORKS DIRECTOR THAT THE ADDITIONAL RUNOFF RESULTING FROM THE DEVELOPMENT WILL OVERLOAD AN EXISTING DRAINAGE FACILITY, THE CITY SHALL WITHHOLD APPROVAL OF THE DEVELOPMENT UNTIL PROVISION HAVE BEEN MADE FOR IMPROVEMENT OF THE POTENTIAL CONDITION OR UNTIL PROVISIONS HAVE BEEN MADE FOR STORAGE OF ADDITIONAL RUNOFF CAUSED BY THE DEVELOPMENT IN ACCORDANCE WITH CITY STANDARDS.

103. THE PUBLIC WORKS DIRECTOR MAY REQUIRE OVER-SIZING OF THE WATER, SEWER, AND/OR STORM SYSTEMS TO ACCOMMODATE FUTURE DEVELOPMENT WITHIN THE AREA AS PROJECTED BY THE APPLICABLE WATER, SEWER, AND/OR STORM DRAINAGE MASTER PLAN PROVIDED THAT THE CITY MAY GRANT THE DEVELOPER CREDIT OR ESTABLISH A "PAYBACK" AGREEMENT TOWARD ANY REQUIRED SYSTEM DEVELOPMENT CHARGE FOR THE SAME. THIS WILL BE DETERMINED AT THE TIME OF ENGINEERING REVIEW.

104. THE PUBLIC WORKS DIRECTOR SHALL REQUIRE ALL EASEMENTS FOR SEWERS, STORM DRAINAGE AND WATER QUALITY FACILITIES, WATER MAINS, ELECTRIC LINES, OR OTHER PUBLIC UTILITIES AT TIME OF ENGINEERING REVIEW. SUCH EASEMENTS SHALL BE RECORDED WITH THE FINAL PLAT.

105. THE PUBLIC WORKS DIRECTOR SHALL ENSURE ADEQUATE STORM DRAINAGE IS PROVIDED TO EACH LOT OR PARCEL OF LAND AND CONNECTED TO THE CITY'S STORM DRAINAGE SYSTEM WHERE SUCH FACILITIES EXIST. WHERE A PUBLIC STREET IS TO BE DEDICATED OR IMPROVED BY THE APPLICANT, THE APPLICANT SHALL ALSO INSTALL AND DEDICATE TO THE CITY A STORM DRAINAGE SYSTEM IN SAID STREET UNLESS THE PUBLIC WORKS DIRECTOR FINDS A MORE REASONABLE ALTERNATIVE EXISTS FOR THE AREA.

106. NO PUBLIC IMPROVEMENTS, INCLUDING SANITARY SEWERS, STORM SEWERS, STREETS, SIDEWALKS, CURBS, LIGHTING, PARKS, OR OTHER REQUIREMENTS SHALL BE UNDERTAKEN EXCEPT AFTER THE PLANS HAVE BEEN APPROVED BY THE CITY, PERMIT FEE PAID, AND PERMIT ISSUED. THE PERMIT FEE IS REQUIRED TO DEFRAY THE COST AND EXPENSES INCURRED BY THE CITY FOR CONSTRUCTION AND OTHER SERVICES IN CONNECTION WITH THE IMPROVEMENT.

107. ALL RESPONSIBLE SHALL KEEP OPEN DRAINAGE WAYS ON PROPERTY WHICH THEY POSSESS OR CONTROL CLEARED OF DEBRIS AND VEGETATION AS REQUIRED BY THE MOLALLA DEVELOPMENT CODE.

108. PERSONS RESPONSIBLE SHALL MAINTAIN NON-PUBLIC STORM DRAINAGE FACILITIES ON PROPERTY WHICH THEY POSSESS OR CONTROL SO AS TO PREVENT FLOODING OR DAMAGE TO

OTHER PROPERTY NOT POSSESSED OR CONTROLLED BY THE PERSON RESPONSIBLE AND TO PREVENT INJURY TO ANY PERSON OR PROPERTY NOT OWNED OR CONTROLLED BY THE PERSON RESPONSIBLE AND TO PREVENT INJURY TO ANY PERSON OR PROPERTY NOT OWNED OR CONTROLLED BY THE PERSON RESPONSIBLE.

109. THE PUBLIC WORKS DIRECTOR MAY REQUIRE A MAINTENANCE AGREEMENT TO BE ESTABLISHED FOR ANY NEW AND/OR EXISTING STORM DRAINAGE FACILITIES AT TIME OF ENGINEERING REVIEW.

110. THE APPLICANT WILL BE REQUIRED TO OBTAIN STORM WATER APPROVAL THROUGH BOTH ODOT AND THE PUBLIC WORKS DIRECTOR.

111. THE PUBLIC WORKS DESIGN STANDARDS WHICH FOLLOW THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, OREGON CHAPTER A.P.W.A., SHALL BE A PART OF THE CITY'S ADOPTED INSTALLATION STANDARD(S); OTHER STANDARDS MAY ALSO BE REQUIRED UPON REVIEW OF THE ENGINEER PLANS BY THE PUBLIC WORKS DIRECTOR.

112. WORK SHALL NOT BEGIN IN ANY PUBLIC RIGHT-OF-WAY UNTIL THE CITY HAS BEEN PROVIDED NOTICE A MINIMUM OF 2 WEEKS IN ADVANCE OF THE WORK.

113. IF WORK IN THE PUBLIC RIGHT-OF-WAY IS DISCONTINUED FOR MORE THAN ONE MONTH, NO RESUMING OF WORK SHALL OCCUR UNTIL THE CITY IS NOTIFIED IN WRITING.

114. IMPROVEMENTS SHALL BE CONSTRUCTED UNDER THE INSPECTION AND TO THE SATISFACTION OF THE CITY. THE CITY MAY REQUIRE MINOR CHANGES IN TYPICAL SECTIONS AND DETAILS IF UNUSUAL CONDITIONS ARISING DURING CONSTRUCTION WARRANT SUCH CHANGES IN THE PUBLIC INTEREST. MODIFICATIONS TO THE APPROVED DESIGN REQUESTED BY THE DEVELOPER MAY BE SUBJECT TO REVIEW UNDER CHAPTER 19.6.

115. A REGISTERED ENGINEER SHALL PROVIDE WRITTEN CERTIFICATION IN A FORM REQUIRED BY THE CITY THAT ALL IMPROVEMENTS, WORKMANSHIP, AND MATERIALS ARE IN ACCORD WITH CURRENT AND STANDARD ENGINEERING AND CONSTRUCTION PRACTICES, CONFORM TO APPROVED PLANS AND CONDITIONS OF APPROVAL, AND ARE OF HIGH GRADE, PRIOR TO CITY ACCEPTANCE FOR THE PUBLIC IMPROVEMENTS, OR ANY PORTION THEREOF, FOR OPERATION AND MAINTENANCE.

116. THE DEVELOPER'S ENGINEER SHALL PROVIDE 2 SETS OF AS-BUILT PLANS, IN CONFORMANCE WITH THE PUBLIC WORKS DIRECTOR SPECIFICATIONS, FOR PERMANENT FILING WITH THE CITY.

117. THE IMPROVEMENT OF BOTH PUBLIC AND PRIVATE STORM DRAINAGE FACILITIES THROUGH OR ADJACENT TO A NEW DEVELOPMENT SHALL BE PROVIDED BY THE PERSON RESPONSIBLE FOR THE DEVELOPMENT. SAID IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE CITY ORDINANCES, POLICIES AND STANDARDS.

118. NO PORTION OR STATEMENT HEREIN OR SUBSEQUENT INTERPRETATIONS OR POLICIES SHALL RELIEVE ANY PROPERTY OWNER OF ASSESSMENTS LEVIED AGAINST REAL PROPERTY FOR A LOCAL IMPROVEMENT PROJECT OR FOR ABATING CONDITIONS ON THE PROPERTY THAT VIOLATE ANY PROVISION OF THIS CODE.

119. UPON REVIEW OF THE ENGINEERING REQUIREMENTS THE PUBLIC WORKS DIRECTOR MAY REQUIRE A PERFORMANCE BOND WHICH COMPLIES WITH THE STANDARDS OF MDC 19.3.520.

120. THE PUBLIC WORKS DIRECTOR SHALL ISSUE AN ACCESS PERMIT AS PART OF THE ENGINEERING REVIEW SINCE ALL ACCESSES ABUT A CITY OWNED STREET.

121. PLANS FOR MAILBOXES SHALL BE APPROVED BY THE PUBLIC WORKS DIRECTOR DURING ENGINEER REVIEW.

122. THE PUBLIC WORKS DIRECTOR MAY DETERMINE THAT THE DEVELOPER PROVIDE BONDING OR OTHER PERFORMANCE GUARANTEES TO ENSURE COMPLETION OF REQUIRED PUBLIC IMPROVEMENTS.

123. THE APPLICANT SHALL REACH AN AGREEMENT WITH THE PUBLIC WORKS DIRECTOR PRIOR TO SIGN OFF OF ENGINEERING REVIEW TO ENSURE STREET TREES ARE MAINTAINED.

124. ALL LANDSCAPING SHALL BE INSTALLED AND ASSURANCES PROVIDED PER THE PUBLIC WORKS DIRECTOR PRIOR TO A CERTIFICATE OF OCCUPANCY BEING ISSUED FOR ANY BUILDINGS.

125. THE APPLICANT SHALL HAVE ALL IMPROVEMENTS INSTALLED, INSPECTED AND APPROVED OR HAVE PROVIDED A PERFORMANCE GUARANTEE, IN ACCORDANCE WITH SECTION 19.1.840 PRIOR TO THE CITY CERTIFYING THE FINAL PLAT.

126. THE APPLICANT SHALL ENTER INTO A PERFORMANCE GUARANTEE WITH THE CITY AS SPELLED OUT IN 19.3.520 OF THE MDC.

FIRE DEPARTMENT CONDITIONS OF APPROVAL

128. BUILDING PERMITS SHALL BE REVIEWED BY THE MOLALLA FIRED DEPARTMENT. THE FIRE DEPARTMENT MAY ADDRESS THESE AND ADDITIONAL ISSUES THAT ARISE FROM THAT REVIEW. FIRE REQUIREMENTS SHALL BE MET BY THE APPLICANT.

129. NEED TO SEE STRIPING DETAIL FOR THE "NO PARKING" AREAS IN THE COMPLEXES ALONG HART, SHAVER, 3RD AND 5TH STREETS. SEE OREGON FIRE CODE D103.6, 503.3 AND 503.2.

130. NEED TO SEE PREMISE IDENTIFICATION DETAIL.

131. NEED TO SEE DETAIL ON TURNING RADII. SEE OREGON FIRE CODE 503.2.4, D103.3 AND D103.3.1. MINIMUM TURNING RADII SHALL BE 28'/48' RESPECTIVELY.

132. NEED TO SEE DETAILS ON CONSTRUCTION CLASSIFICATIONS OF THE NON-SPEC RETAIL STORES AND RESTAURANTS. ADDITIONAL FIRE HYDRANTS OR FIRE SUPPRESSIONS SYSTEMS MAY BE REQUIRED DEPENDING ON WHAT TYPE OF HAZARD WILL OCCUPY THE BUILDINGS.

133. AN ADDITIONAL 5 FIRE HYDRANTS NEED TO BE ADDED TO SATISFY THE REQUIREMENTS OF SECTION C105 OF THE 2007 OREGON FIRE CODE AS REQUIRED UPON MY REVIEW.

134. ALL HYDRANTS NEW AND EXISTING SHALL HAVE A 4" STORTS QUICK CONNECT INSTALLED PRIOR TO ANY OCCUPANCY OF ANY BUILDING.

135. VAULT DETAIL AND SPRINKLER SYSTEM PLANS, CUT SHEETS AND FLOW CALCULATIONS NEED TO BE PROVIDED TO THE MOLALLA FIRE DEPARTMENT AFTER 3RD PARTY REVIEW.

136. THERE WAS NO FACP PLANS PROVIDED TO MOLALLA FIRE. THE ALARM PANEL SHALL BE FULLY ADDRESSABLE. PLANS, CUT SHEETS AND VOLTAGE CALCULATIONS WILL NEED TO BE PROVIDED TO MOLALLA FIRE AFTER REVIEW BY A 3RD PARTY. SEE OREGON FIRE CODE 907.1.1. THE SYSTEM SHALL BE MONITORED BY AN INDEPENDENT 3RD PARTY CONTRACTOR. SEE OREGON FIRE CODE 903.4.

137. ALL FDC'S SHALL BE REMOTE AND BE LOCATED WITHIN 50' OF A FIRE HYDRANT. THAT VERBIAGE NEEDS TO BE PUT ON THE PLANS IN THE FDC DETAIL SECTION. SEE OREGON FIRE CODE 903.3.7 AND SECTION 912.

138. ALL FIRE HYDRANTS SHALL HAVE A MINIMUM CLEAR SPACE AROUND THE HYDRANTS OF NOT LESS THAN 3' FROM ANY OBSTRUCTION. IF THE OBSTRUCTION IS ELECTRICAL IN NATURE THE CLEAR SPACE SHALL BE INCREASED TO 4'. SEE OREGON FIRE CODE 508.5.4, 508.4.5 ORS 860-024-0010. THIS NEEDS TO BE ON THE HYDRANT DETAIL SECTION.

139. 10' EACH DIRECTION OF THE CENTER NUT OF EACH HYDRANT SHALL BE CLEARLY IDENTIFIED AS "NO PARKING". SEE ORS 811.550(116). THIS NEEDS TO BE ON THE PLANS IN THE HYDRANT DETAIL SECTION.

140. ALL THRUST BLOCKING WILL NEED TO BE VISUALLY INSPECTED. THIS VERBIAGE WILL NEED TO BE ON THE PLANS IN THE PLUMBING DETAIL.

During the review of the conditions, Planning Director Potter recommended changes to the following: #1, applicant has met; #4 applicant has met; #8 applicant has met; #9 staff recommends removal; #10 staff recommends removal; #11 staff recommends removal; #16 applicant has met; #22 applicant has met; #24 change to 3,650 on trip cap; #29 add no access to residential area; #20 staff adds needs to obtain new permits; #37 applicant has met; #39 reworking; #43 changes; #47 will be reduced, amount pending; #51 staff requests removal as it is not a land use issue; #55 & #56 changed to "if approved"; #63 remove (duplicate); #66 add "prior to when building permits are issued"; #86 removal (duplicate); #101 change to Public Works Director shall review to be sure drainage is adequate; #107 & 108 combine to say same thing; #109 removal (duplicate); #133 change to "upon Fire Department review".

Planning Director Potter asked that the conditions in the letter from ODOT be included and also recommends crossover rights.

TEAM LETTER REGARDING TRUCK ROUTE

Planning Director Potter advised there are no plans or identifiers of a truck route. He also stated that the Molalla Forest Road would address this issue, but that it is not currently available. Report concluded.

QUESTIONS OF STAFF BY PLANNING COMMISSION

Chairman Boreth advised the Commission that this is the portion of the hearing that the Commission may ask questions to staff.

Commissioner Beattie asked about page 22, and the trip cap, asking about UPS, FedEx, etc., and if this would have an effect and also about blocking at 3rd street from the commercial area to the

residential area and explained he was concerned about Fire Department access. He also felt this complex would place a stress on the downtown traffic signal. He felt that there would be a need to replace the 4-way stop with a traffic signal. In addition, page 43 regarding bicycle spaces and felt they are excessive and that they would not be utilized and although the code says it is required, he would like to lower the requirements. He further discussed the traffic impact study by ODOT in conditions #24 & #28.

Planning Director Potter advised that he is not comfortable with #23, that it revolves around Main/Molalla traffic signal and percentages are not high. He advised he would ask ODOT is signal is required prior to certificate of occupancy and is so who is responsible to pay for it.

Commissioner Maben advised she had concerns on ODOT intent on 3C and a one way street on Hart Street and asked if it was the entire street or only to a certain point of the complex and asked for clarification. She felt that a right in and a right out is more suitable and advised that she is opposed to one way streets in Molalla.

Chairman Boreth spoke of the signal at Main/Molalla and advised he sees a conflict on the staff report.

Planning Director Potter advised that 3rd and 5th streets need to be extended just for access. There was discussion about blocking access on 3rd Street.

Chairman Boreth was in favor of closing 3rd Street to retail from the residential areas.

Commissioner Gates gave suggestions for blocking the access to 3rd Street.

Commissioner Maben addressed the parking on Shaver Street, asking if it was parallel or angled and also advised she was not in favor of parking on along Shaver Street, but also advised that the code allows it.

Commissioner Beattie asked about parks and park improvements and the impact, stating that the city needs additional parks.

Planning Director Potter advised that the city does not have the money to maintain any additional parks.

5 MINUTE BREAK IN THE HEARING

TESIMONY

APPLICANT: Mark Grenz of Multitech, 1155 13 Street SE Salem, OR—Advised that they are complying with the requirements and have made some changes. He spoke of traffic consultant, ODOT and city staff and that he is comfortable with the trip cap. He also spoke of installing a signal at Shaver Street and that they would work with the Main/Molalla light, but there are also other avenues to consider. He also advised that #30 and wanting to close access to the residential area would be ok, but that they would like better instruction. He doesn't feel they should be conditioned to build the traffic signal as stated in #23. He felt that ODOT's requirement is a conflict and that a 4-7% increase does not make a huge impact.

IN FAVOR OF APPLICATION

None.

OPPOSED TO APPLICATION

None.

NEUTRAL TO APPLICATION

Bill Avison, PO Box 419, Molalla, OR. Advised he has a letter for the Commission explaining that although there is not a designated truck route, trucks have been using the specific area as a truck route. He advised that there is a potential business going in on the Floragon property which would employ approximately 300 employees and that the truck route should be addressed for future development.

Sonya Kazen, ODOT, 123 NW Flanders Street, Portland, OR advised that she was not aware of truck usage on these streets and that the traffic study did not include trucks. She advised that Hart/Kennel are offset and that is why it is suggested to have a one way off the highway and that the intention is to place a one way section for only one block. She also spoke of the traffic signal at Main/Molalla and that it is desperately needed and wants to know if it is in the city's Capital Improvement Plan (CIP). She advised of funding as businesses come in. She also stated that there is no current safety issue, but feels it will be soon. She stated that the city should get the project in their 5-year CIP and fund it. She acknowledged that the signal will not be an easy thing and that it requires turn lanes and street widening, which may eliminate street parking. She also felt that blocking the driveway at 3rd Street is a good idea. In addition, she felt that the trip gap should be on a plan amendment.

Commissioner Gates asked what is considered high volume for trucks.

ODOT advised 3-6%.

Commissioner Gates asked if the application is denied, does the city still need to install the traffic signal.

ODOT advised that yes, a signal would still need to be installed.

Planning Director Potter advised of problems with access, allowing development and creating over capacity issues to the next developer, the same as is happening to this developer.

Chairman Boreth asked about Hart Street.

ODOT advised to have a one way street for one block.

Troy Vest, Shaver Street, Molalla, OR felt that the comp plan had 2 other roads for access; 5th Street and the Molalla Forest Road.

Amy Kosky, TEAM, 112 Engle Avenue, Molalla, OR. Spoke of the letter that TEAM submitted and read the letter, which explained TEAM's request of a study of impact.

APPLICANT REBUTTAL

Mark advised he concurs with ODOT regarding a traffic signal, but felt that they should not have to pay for the light. He advised that if #23 imposed it would be a Dolan issue as it is not in proportion and asked if #23 is rewarded and adopts ODOTS conditions. He felt that they have done a good job.

Bill Avison, felt that Molalla does have some industrial business potential.

Curt Gibson, Milwaukie, OR (Real Estate Developer) stated he would like #23 to be revised and that it was too much for the applicant to absorb.

Chairman Boreth recommended an open ended amendment to find a viable solution.

Planning Director Potter wants to make it clear that he is in agreement that Molalla has had a problem with this light prior to the applicant's development. He also stated that TEAM participated heavily in the downtown plan and was concerned to hear they are opposed to the residential portion.

Amy, TEAM advised that they are not opposed to the residential portion and further stated that the plan has never been adopted.

Planning Director Potter felt that this plan fits perfectly into the plan. He also thanked ODOT for their assistance and thanked the applicant for going through the quick response, making a better project in the end.

ADDITIONAL TESTIMONY

None.

Commissioner Gates moved to close the public hearing. Commissioner Maben seconded. Motion carried (5-0).

Commissioner Maben advised that the applicant should not have to pay for the entire traffic signal.

Chairman Boreth felt it should be left open ended for the City Council to handle the details.

Chairman Boreth moved to amend to: "applicant shall provide their portion of the contribution to the construction of a signal at Main and Molalla to ODOT standards". Also, recommending the traffic signal be placed on the 5-year CIP. Commissioner Gates seconded. Motion carried (5-0).

Commissioner Beattie moved to amend #20 to work with parties to restrict traffic onto 3rd Street from the commercial section. Chairman Boreth seconded. Motion carried (5-0).

Chairman Boreth moved to amend staff's recommendations on the conditions and to make changes as proposed on all. Commissioner Maben seconded. Motion carried (5-0).

Commissioner Gates moved to approve the conditions as amended. Commissioner Beattie seconded. Motion carried (5-0).

Commissioner Maben moved to close the public hearing and recommend presentation to the City Council June 22nd meeting. Commissioner Beattie seconded. Motion carried (5-0).

VI. Old Business—None.

VII. Approvals/Recommendations

None.

VIII. Training

None.

IX. Events

None.

X. Directors Report

None.

XI. Round Table

None.

XII. Adjourn and Set Next Meeting Date

Next meeting will be June 21st at 6:30 at City Hall in the conference room.

Commissioner Beattie moved to adjourn the meeting. Commissioner Maben seconded. Motion carried (5-0).

Minutes submitted by: Secretary Melanie Maben _____

Minutes approved by: Chairman Glen Boreth _____