



## Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

---

## AGENDA

### Molalla Planning Commission

6:30 PM, March 6th, 2024

Commission Chair Doug Eaglebear  
Commissioner Clint Ancell  
Commissioner David Potts  
Commissioner Darci Lightner

Commission Vice-Chair Connie Sharp  
Commissioner Martin Ornelas  
Commissioner Brady Rickey

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices: Live-streaming of the Molalla Planning Commission Meetings are available on Facebook at “Molalla Planning Commission Meetings – LIVE” and “Molalla Planning Commission Meetings” on YouTube. Citizens can submit Public Comment in the following ways: attend the meeting, email support staff @ [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com) by 4:00pm on the day of the meeting, or drop it off at the Civic Center, 315 Kennel Avenue.*

**I. CALL TO ORDER AND FLAG SALUTE**

**II. ROLL CALL**

**III. CONSENT AGENDA**

A. Planning Commission Meeting minutes – 2/7/2024

**IV. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

**V. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

Citizens are allowed up to 3 minutes to present information relevant to the city but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the support staff. The Planning Commission does not generally engage in dialog with those making comments but may refer the issue to the Community Development Director. Complaints shall first be addressed at the department level prior to addressing the Planning Commission.

**VI. PUBLIC HEARINGS**

SDR05-2023 and CUP03-2023 – New Landscaping Use - Commercial PKWY Parcel 52E07D 01700

**VII. GENERAL BUSINESS**

**VIII. STAFF COMMUNICATION**

**IX. COMMISSION COMMUNICATION**

**X. ADJOURN**



## Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

---

## Planning Commission Meeting Minutes for February 7, 2024

The February 7, 2024 meeting of the Molalla Planning Commission was called to order by Chairperson Doug Eaglebear at 6:35 pm.

### COMMISSIONER ATTENDANCE:

Commission Chair Doug Eaglebear - Present

Commissioner Clint Ancell - Present

Commissioner Martin Ornelas – Present

Commissioner David Potts – Present

Commissioner Brady Rickey - Present

Commissioner Connie Sharp – Present

### STAFF IN ATTENDANCE:

Asst City Manager Mac Corthell - Present

Senior Planner Dan Zinder – Present

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices: Live-streaming of the Molalla Planning Commission Meetings are available on Facebook at “Molalla Planning Commission Meetings – LIVE” and “Molalla Planning Commission Meetings” on YouTube. Citizens can submit Public Comment in the following ways: attend the meeting, email support staff @ [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com) by 4:00pm on the day of the meeting, or drop it off at the Civic Center, 315 Kennel Avenue.*

### **AGENDA:**

#### **I. CALL TO ORDER AND FLAG SALUTE**

#### **II. ROLL CALL**

#### **III. CONSENT AGENDA**

##### **A. Adoption of minutes for 1/3/2024 Planning Commission Meeting**

Motion (Ornelas): ADOPT 1/3/2024 Planning Commission Meeting minutes  
Second (Ancel)

Vote: Passed 6-0-0

#### **IV. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

#### **V. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

Citizens are allowed up to 3 minutes to present information relevant to the city but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the support staff. The Planning Commission does not generally engage in dialog with those making comments but may refer the issue to the Community Development Director. Complaints shall first be addressed at the department level prior to addressing the Planning Commission.

- A. Charles Isom spoke on concerns about utility capacity and increase of apartment construction.

## **VI. PUBLIC HEARINGS**

## **VII. GENERAL BUSINESS**

### **A. New PC Member Recommendation**

Motion (Ornelas): Reach out to previous candidate Darcy Lightner to confirm interest and recommend her to City Council  
Second (Ancel)

Vote: Passed 6-0-0

### **B. PC Officer Appointments – Chair**

Motion (Ornelas): Retain Commissioner Eaglebear as Commission Chair  
Second (Ancel)

Vote: Passed 6-0-0

### **C. PC Officer Appointments – Vice Chair**

Motion (Ornelas): Retain Commissioner Sharpe as Commission Vice Chair  
Second (Eaglebear)

Vote: Passed 6-0-0

### **D. Presentation of the Molalla Emergency Action Plan – Jon LaGarza – Healthy Sustainable Communities**

## **VIII. STAFF COMMUNICATION**

## **IX. COMMISSION COMMUNICATION**

### **X. ADJOURN: 7:12 PM**

Motion (Ornelas)  
Second (Ancel)

Vote: Passed 6-0-0

PLANNING COMMISSION MEETING CAN BE VIEWED IN ITS ENTIRIETY HERE:  
<https://www.youtube.com/watch?v=uc8VHaEbeh8>

\_\_\_\_\_  
Chairperson Doug Eaglebear

\_\_\_\_\_  
Date

Attested by: \_\_\_\_\_  
Asst. City Manager, Mac Corthell

\_\_\_\_\_  
Date





City of Molalla  
315 Kennel Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 759-0205  
Email: [communityplanner@cityofmolalla.com](mailto:communityplanner@cityofmolalla.com)  
Web: [www.cityofmolalla.com/planning](http://www.cityofmolalla.com/planning)

## CITY OF MOLALLA STAFF REPORT

# Consolidated Review for SDR05-2023 and CUP03-2023 – New Specialty Trade Contractor Business with Outdoor Storage

**Date:** February 28, 2024 for the March 6, 2024 Planning Commission Meeting  
**File No.:** Consolidated Review for SDR05-2023 and CUP03-2023  
**Proposal:** Specialty trade contractor business with outdoor storage  
**Location:** South of Highway 211 and west of Commercial Parkway  
**Tax Lot:** Tax Lot 1700 of Clackamas County Yax Map 52E07D  
**Owner/Applicant:** Dean Leasing, LLC  
7421 SE 35th Avenue  
Portland, OR 97202

**Applicant's Consultant:** Chris Goodell, AICP, LEED<sup>AP</sup>  
AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062

**Applicable Standards:** **Applicable Standards: Molalla Municipal Code, Title 17, Development Code**  
**Division II, Zoning Regulations**  
*Section 17-2.2.030 Allowed Uses*  
*Section 17-2.2.040 Lot and Development Standards*  
**Division III, Community Design Standards**  
*Chapter 17-3.3 Access and Circulation*  
*Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting*  
*Chapter 17-3.5 Parking and Loading*  
*Chapter 17-3.6 Public Facilities*  
  
**Division IV, Application Review Procedures and Approval Standards**

*Section 17-4.1.040 Type III Procedure (Quasi-Judicial Review –  
Public Hearing)*  
*Section 17-4.2.050 Approval Standards (Site Design Review)*  
*Section 17-4.4.040 Criteria, Standards, and Conditions of Approval  
(Conditional Use)*

---

TABLE OF CONTENTS:

- I. Executive Summary
- II. Recommendations
- III. Conditions of Approval

EXHIBITS:

EXHIBIT A: Findings of Fact for SDR05-2023

EXHIBIT B: Findings of Fact for CUP03-2023

EXHIBIT C: Consolidated Application Package SDR05-2023, AND  
CUP03-2023

EXHIBIT D: Molalla Public Works Review Memo

EXHIBIT E: Molalla Fire Department Comments

EXHIBIT F: Public Comment: Prior Development Agreements  
Associated with the Development of Commercial PKWY

---

## I. EXECUTIVE SUMMARY

### **Proposal:**

This project involves a contracting business on industrial zoned land as permitted in the City of Molalla Development Code. The subject property is over 10 acres in size, and approximately 1.9 acres along its eastern boundary is involved in this project. Improvements primarily involve additional gravel surface for use by specialty trade contractors. Site Design Review is required and Conditional Use Review is also included in the application for outdoor storage of equipment and materials that are typically part of a contracting business. The application does not propose any structures. The site plan shows locations for the placement of potential temporary modular buildings but these structures are not included in this application.

### **Site Description:**

The subject site is ±10.31 acres and is located west of Commercial Parkway and south of Highway 211 (Clackamas County Assessor's Map 52E07C Tax Lot 1700). The site has a Heavy Industrial (M-2) zoning designation with existing access to Commercial Parkway. The existing improvements to Commercial Parkway terminate approximately 850 feet from the intersection of Commercial Parkway and Highway 211. The site has one permitted access ±445 feet from the Highway 211 intersection and a second unpermitted access at the termination of the improved portion of Commercial Parkway.

### **Surrounding Zoning and Land Uses:**

To the north and east of the site are properties that have M-2 zoning designations. To the west of the site are properties that have C-2 and M-2 zoning designations. The City's boundary follows the southern property line, and the property to the south is in unincorporated Clackamas County. The City of Molalla's Local Wetland Inventory Map shows a creek and potential wetland on the property that traverses the site from the north to the southeast, and as such a wetland delineation was prepared and concurrence was received from the State of Oregon Department of State Lands (DSL). The improvements that are included with this application are located outside of the delineated wetland boundaries.

### **Public Agency Notice & Responses:**

Staff circulated notice of the project to the City's Public Works Director, Molalla Fire District, and Oregon Department of Transportation (ODOT) on January 25<sup>th</sup>, 2024. The City has included responses from Public Works and Molalla Fire as Exhibits D and E respectively. Public Works and Molalla Fire comments are integrated into the proposed findings and conditions of this decision. As the scope of this portion of the project did not abut ODOT right-of-way, ODOT declined to comment.

### **Public Notice & Comments:**

Per MMC 17-4.1.040, notice of the public hearing was sent to all property owners within 300 feet of the subject properties and to a group of interested parties on

January 25, 2024. Notice was published in the *Molalla Pioneer* and online. Signage containing public notice information was posted on the property on January 31, 2024. As of February 28, 2024 staff had received no written public comment on the application.

## II. Recommendation

Based on the application materials and findings demonstrating present or conditioned compliance with the applicable standards, staff recommends approval of Site Design Review SDR05-2023 and Conditional Use Permit CUP03-2023 subject to the conditions of approval that follow this recommendation. This approval is based on the Applicant's written narrative, site plans, and supplemental application materials. Any modifications to the approved plans other than those required by the conditions of this decision will require a new land use application and approval.

The Applicant's site plan shows locations for the placement of potential temporary modular buildings. Future temporary uses will be required to be permitted under this section [17-2.3.150. Temporary Uses](#)

## III. Conditions of Approval

### 1. Subsequent Required Approvals and Improvements:

- a. Per Molalla Municipal Code (hereinafter MMC) 17-4.2.070 and the State of Oregon Structural Specialty Code, upon approval of this Site Design Review, the applicant must submit for building permit authorization from Molalla Planning Staff and Engineering Plan Review from Molalla Public Works. Per MMC 17-4.2.070, this site design review has an approval period of 1-year from the date of approval. As a condition of approval, the Applicant/owner shall submit for both Building Permit Authorization for all proposed improvements through the City of Molalla Planning Division and Civil Plan Review through the City of Molalla Public Works Division within the 1-year approval period. Extension requests for the 1-year period are subject to the Code provisions of MMC 17-4.2.070, B.
- b. Per MMC 17-4.9.020 and the State of Oregon Structural Specialty Code, upon approval of this Site Design Review (change of use), the applicant must obtain a Certificate of Occupancy from the Clackamas County Building Official. As a condition of approval, the Applicant/owner shall obtain a Certificate of Occupancy through the Clackamas County Building Official for all onsite occupants prior to operation of the new, proposed use/occupancy.

Notes: City approval is required for all Certificates of Occupancy.

## 2. Conditions Requiring Resolution Prior To Public Works Construction Permit

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, bonding, right-of-way, and easements have been obtained and approved by staff, and Staff is notified a minimum of 24 hours in advance. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Molalla Public Work's Standards.

Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements, if additional modifications or expansion of the sight distance onto adjacent streets is required.

- a. The Applicant shall be required to submit a Public Works Permit and assurances in accordance with Section 1 of the Molalla Standard Specifications for Public Works Construction prior to any construction of public facilities. Applicant shall obtain any and all required State or Federal permits, as applicable, prior to occupancy.
- b. Molalla Fire shall confirm that the turning radius for the new vehicle use and storage area can accommodate fire apparatus in their engineering plan review process. Applicant to confirm approaches can accommodate truck turning radius for largest vehicles servicing site with civil plans.
- c. The Applicant shall apply for a second access permit with the City for the new proposed approach at the southern portion of the site at time of submittal of PW Construction permit application. Half street buildout of the undeveloped portion of Commercial PKWY in accordance with the Molalla TSP will be required in conjunction with access approval. The proposed southern access shall be ingress-only until full buildout of the adjacent right-of-way is completed. Applicant shall provide onsite signage indicating the restriction of egress from the southern access.
- d. The Applicant shall dedicate efficient right-of-way consistent with Molalla TSP and for future extension of Commercial Parkway. Applicant shall be required to submit a legal description and exhibit map for review and sign City Dedication form. Once completed, Applicant will be required to record dedication with the County Recorder's Office and return the original document to the City.
- e. Public Works Standards require a 10' Public Utility Easement (PUE) to be dedicated to the City adjacent to all public right-of-way and no structures will be permitted or shall encroach into the easement. Applicant shall be required to submit a legal description and exhibit map for review and sign City easements. Once completed, Applicant will be

required to record easements with the County Recorder's Office and return the original document to the City.

### 3. Conditions Requiring Resolution Prior to Building Permit Approval or Occupancy

- a. Per MMC 17-3.6.040 connection to City Sewerage system is required. Applicant shall construct onsite restroom facility and make connection to one of the existing 8-inch lines within the site, the other to be abandoned. City to review restroom facility and site improvements through building permit authorization process described in Section 1 of the conditions of this staff report.
- b. No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provision of the Code and the Public Works Design Standards in accordance with MMC 17-3.6 Public Facilities for the southern (second) access. All public improvements shall be completed and accepted by the Public Works Department prior to issuance of any occupancy.
- c. Applicant shall be required to construct street improvements to City standards consistent with the Transportation System Plan adopted cross section for half street improvements or provide a Waiver of Remonstrance.
- d. The Applicant's final site development plans shall provide a sight-obscuring fence, wall, landscape screen, or combination of screening methods between the planned outdoor storage area and the adjacent Commercial Parkway right of way.
- e. Applicant shall provide and maintain 9 parking spaces as shown on the Preliminary Site Plan. All parking areas and drive aisles shall be paved in accordance with MMC 17-3.5.030 F.
- f. The Applicant's final site development plans shall provide two bike parking spaces meeting the design requirements in MMC 17.3.5.040.
- g. Applicant shall conform to all emergency access, building, and fire code standards, as applicable. Applicant shall be required to meet Oregon Unified Fire Code prior to occupancy.
- h. System development charges shall be paid prior to occupancy for the City of Molalla.
- i. All landscaping, parking, lighting, and other improvements shall be installed by the Applicant and approved by the Planning Official prior to occupancy.

### 4. Ongoing Conditions:

- a. All landscaping, parking, lighting, and other improvements shall be installed by the Applicant and approved by the Planning Official prior to occupancy.
- b. Future temporary uses, if proposed will require a temporary use permit in accordance with MMC 17-2.3.150.
- c. All contractors and subcontractors performing work on this property shall obtain and maintain a valid, current business license with the City of Molalla.
- d. Access to public streets shall be limited to the location identified on the application materials.
- e. All approaches and driveways shall meet ADA accessibility requirements where they coincide with an accessible route (MMC 17-3.3.030 D 15). Parking shall be provided consistent with ADA requirements (MMC 17-3.5.030 H).
- f. No visual obstructions shall be placed in vision clearance areas (MMC 17-3.3.030 G).
- g. No fencing shall be made of prohibited materials, as detailed in MMC 17-3.4.
- h. All landscaping and onsite vegetation shall be maintained in good condition, or otherwise replaced by the property owner (MMC 17-3.4.030 G).
- i. Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner (MMC 17-3.4.040 F).



**EXHIBIT A:**

*City Staff's Findings of Fact for SDR05-2023*

Per MMC 17-4.2.050, an application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Official, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria;

**A. The application is complete, in accordance with Section 17-4.2.040;**

**Findings:** The City deemed the application complete in accordance with Section 17-4.2.040 on January 10, 2024.

**B. The application complies with all of the applicable provisions of the underlying Zoning District (Division II), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;**

**17-2.2.030 Allowed Uses**

**Findings:** The application involves minor site improvements for a specialty trade contracting facility as permitted in the M-2 zone. A conditional use permit is also included to allow outdoor storage under MMC 17-2.2.030.H. The standard is met.

**17-2.2.040 Lot and Development Standards**

**Findings:**

**Minimum Lot Area** – There is no minimum lot size in Industrial zones. The proposed lots are of adequate size to accommodate industrial development. This standard is met.

**Minimum Lot Width and Depth** – There is no minimum lot width or depth in Industrial zones. The proposed lots are of adequate size to accommodate industrial development. This standard is met.

**Building and Structure Height** – No new structures are proposed with this development. This standard does not apply.

**Maximum Lot Coverage** - Maximum foundation plane coverage in I zones is 100%. This standard is met.

**Minimum Landscape Area % (includes required parking lot, landscaping, and required screening)**  
Minimum landscaped area in the I zone is 5%. Applicant’s submitted application show a substantial portion of the site is planned to retain existing vegetation in excess of the 5% minimum requirement. This standard is met.

## Minimum Setbacks -

**Front Setback Requirement: 0ft** – This standard is met.

**Garage Setback Requirement: 20ft** – No garages are proposed. This standard does not apply.

**Alley: 3ft** - This property does not abut an alley. This standard does not apply.

**Adjacent to R Districts: 10ft** – This proposal is not adjacent to any residential districts. This standard does not apply.

**Build to Line: 0ft** – Build-to-line provisions do not apply to properties in Industrial zones. This standard does not apply.

### 17-2.3.150. Temporary Uses.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

C. **Temporary Buildings, Trailers, Kiosks, and Other Structures.** Through a Type II procedure, pursuant to Section 17-4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

**Findings:** The Applicant's site plan shows locations for the placement of potential temporary modular buildings. Future temporary uses will be required to be permitted under this section.

### Section 17-2.4.030: Water Resources (WR) Overlay

A. **Purpose.** The Water Resources (WR) Overlay District is intended to protect and enhance significant wetlands, stream corridors and floodplains identified on the Molalla Natural Features Inventory by:

1. Conserving significant riparian corridors, undeveloped floodplains and locally significant wetlands in keeping with the requirements of State Planning Goal 5 (Natural Resources) and applicable state statutes and administrative rules, and the Molalla Comprehensive Plan;
2. Protecting and enhancing water quality;
3. Preventing property damage during floods and storms;

4. Limiting development activity in designated riparian corridors;
  5. Protecting native plant species;
  6. Maintaining and enhancing fish and wildlife habitats; and
  7. Conserving associated scenic and recreational values.
- B. **Boundaries and Setbacks.** The general location of the WR Overlay District is shown on the Molalla Comprehensive Plan Map (for areas within the UGB) and the Molalla Zoning Map (for areas within the City limits) and includes:
1. Locally significant wetlands identified on the Molalla Local Wetlands Inventory or the Natural Features Inventory.
  2. The riparian corridor extending upland 50 feet from the tops-of-bank of Bear Creek, Creamery Creek, and the Molalla River tributary as shown on the Natural Features Map.
    - a. Where a significant wetland is located fully or partially within the riparian corridor, the riparian corridor shall extend 50 feet from the upland edge of the wetland;
    - b. The riparian buffer for isolated wetlands shall extend 25 feet from the edge of the wetland.
  3. The 100-year floodplain on properties identified as vacant or partly vacant on the 2007 Molalla Buildable Lands Inventory.

**Findings:** The Applicant submitted a wetlands delineation report and DSL concurrence identifying a wetland of approximately 0.31 acres. The Applicant does not propose any cut/fill or other development activities within the wetland as part of this application. When future development or expansion is proposed. It will be subject to the requirements under this section.

**C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Nonconforming Situations;**

**Findings:** The site is currently vacant and the application does not involve existing nonconforming development. This criterion does not apply.

**D. The proposal complies with all the Development and Design Standards of Division III, as applicable:**

**Findings:** Applicable Standards under Division III. Community Design Standards for this project include:

- Chapter 17-3.3 Access and Circulation
- Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting
- Chapter 17-3.5 Parking and Loading

## Chapter 17-3.3 Access and Circulation

### 17-3.3.30 Vehicular Access and Circulation

- A. **Purpose and Intent.** Section 17-3.3.030 implements the street access policies of the City of Molalla Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. **Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

**Findings:** Northern access on Commercial Parkway is the only approved access. Access to be built per Molalla Public Works Standards. The access to the south near the end of the current Commercial Parkway improvements will require an approach permit which is included as a condition of approval. This requirement can be met as conditioned.

- C. **Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 17-3.6.020, to determine compliance with this Code.

**Findings:** A Transportation Analysis Letter (TAL) prepared by a registered engineer is included with this application. The TAL examines the effects of the planned improvements on the transportation system in the vicinity of the site and based on this detailed analysis, the surrounding transportation system can safely support the planned project. This criterion is satisfied.

- D. **Approach and Driveway Development Standards.** Approaches and driveways shall conform to all of the following development standards:
  - 1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.

**Findings:** The subject site has frontage one street - Commercial Parkway - which is shown in Figure 8 of the City of Molalla Transportation System Plan (TSP) to be a Neighborhood Street. This standard is met.

- 2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.

**Findings:** The site has frontage on Commercial Parkway (Neighborhood Street). Pursuant to Table 10, the minimum spacing standard for private access drives on a Neighborhood Street is 150 feet. As shown on the Applicant's Preliminary Plans Exhibit C, the existing driveways are greater than 150 feet from each other or other approaches on this side of Commercial Parkway, meeting access spacing requirements found in the Public Works Design Standards.

3. Driveways shall be paved and meet applicable construction standards. Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Public Works Design Standards.

**Findings:** As shown on the Applicant's Preliminary Plans Exhibit C, the site has two existing driveways. The southern driveway is currently gravel and is required be paved to meet applicable City of Molalla Public Works Design Standards. This is included as a condition of approval. This standard will be met as conditioned.

4. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.

**Findings:** The site has frontage on Commercial Parkway (Neighborhood Street). Pursuant to Table 10, the minimum spacing standard for private access drives on Neighborhood Streets is 150 feet. As shown on the Preliminary Plans in Exhibit C, the two existing driveways are greater than 150 feet apart, meeting access spacing requirements, and alleviating traffic operations concerns. As the City has not yet acquired the right of way for full buildout of the roadway leading to the southern proposed access, the proposed southern access shall be ingress only until full buildout of the adjacent right-of-way is completed. Applicant shall provide onsite signage indicating the restriction of egress from the southern access.

5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the City Engineer may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

**Findings:** The proposed driveways meet applicable spacing standards on neighborhood streets. This standard is met.

6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict

parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

**Findings:** The Applicant's Preliminary Plans show they are planning to use the two existing driveways for access. Molalla Fire shall confirm that the turning radius for the new vehicle use and storage area can accommodate fire apparatus in their engineering plan review process. This standard can be met as conditioned.

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.

**Findings:** The site has two accesses that are planned to be connected to each other with continuous vehicle use area so trucks can enter and exit the site efficiently. This standard is met.

8. Except where the City Engineer and roadway authority, as applicable, permit an open access with perpendicular or angled parking, driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

**Findings:** The project does not include open access with parking located where it necessitates backing onto a public street. This standard is met.

9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.

**Findings:** All proposed off-street parking, vehicle maneuvering and loading areas are located interior to the site. This standard is met.

10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.

**Findings:** The Applicant's submitted application shows a 20' wide approach to the proposed northern entrance and 30' of width at the southern entrance. The proposed width of the approaches are designed appropriately to accommodate peak hour trip while minimizing crossing distances for pedestrians. This standard is met.

11. As it deems necessary for pedestrian safety, the City Engineer, in consultation with the roadway authority, as applicable, may require that traffic-calming features, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.

**Findings:** Neither the City Engineer nor the roadway authority recommend any traffic calming features, nor are any proposed. This standard is met.

12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.

**Findings:** The Applicant's proposal does not include construction of approaches along acceleration or deceleration lanes or along tapered portions of the roadway. This standard does not apply.

13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.

**Findings:** This standard is met subject to condition of approval. The site has two existing driveways that allow for trucks to enter the site and exit the site without conflicts with the parking area, landscaping, or existing sidewalk along the site's Commercial Parkway frontage. Applicant to confirm truck turning radii can accommodate vehicle maneuvering of largest vehicle to enter site in civil plans.

14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.

**Findings:** The Applicant's proposal includes a driveway apron crossing the existing sidewalk within the right-of-way that will be required to meet City standards for materials and width. This standard is met.

15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.

**Findings:** Commercial Parkway abuts the majority of the site's frontage and there is an existing sidewalk providing ADA access to the site within the Commercial Parkway right-of-way.

16. The City Engineer may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.



**Findings:** No changes are required to the proposed configuration and design of the approach. This standard is met.

17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Engineer may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

**Findings:** The subject site abuts City of Molalla right-of-way. ODOT permitting is not be required.

18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.

19. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable Public Works Design Standards.

**Findings:** The Applicant's proposed approach does not cross a feature under the jurisdiction of another agency, including a drainage culvert or ditch. These criteria do not apply.

20. Except as otherwise required by the applicable roadway authority or waived by the City Engineer temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

**Findings:** The Applicant states that temporary driveways for construction are not necessary. This standard does not apply.

21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 17-3.6.050.

**Findings:** As shown on the Preliminary Plans in Exhibit C and discussed in the Preliminary Stormwater Report, the planned improvements include stormwater management in accordance with Section 17-3.6.050. The detention and flow control facilities shall be reviewed, permitted, and inspected by Molalla Public Works. The onsite storm conveyance system shall be reviewed and inspected by Clackamas County Building under a plumbing permit, in accordance with MMC 13.13 Surface Water Management. This standard is met.

**E. Approach Separation from Street Intersections.** Except as provided by subsection H, minimum distances shall be maintained between approaches and street intersections

consistent with the current version of the Public Works Design Standards and Transportation System Plan.

- F. **Approach Spacing.** Except as provided by subsection H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches consistent with the current version of the Public Works Design Standards and Transportation System Plan.

**Findings:** The site has frontage on Commercial Parkway (Neighborhood Street). Pursuant to Table 10, the minimum spacing standard for private access drives on a Neighborhood Street is 150 feet. As shown on the Preliminary Plans in Exhibit C, the existing driveways are greater than 150 feet from each other or other approaches on development side of Commercial Parkway, meeting access spacing requirements found in the Public Works Design Standards. This standard is met.

- G. **Vision Clearance.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than 2.5 feet in height shall be placed in “vision clearance areas” at street intersections.. The minimum vision clearance area may be modified by the Planning Official through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.

**Findings:** This standard is met subject to conditions of approval. As an ongoing condition of approval, no visual obstructions shall be placed in vision clearance areas.

- H. **Exceptions and Adjustments.** The City Engineer may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The Planning Official through a Type II procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/ right-out only), or other mitigation alleviate all traffic operations and safety concerns.

**Findings:** The site is planned to access Commercial Parkway from an existing driveway that meet applicable spacing standards. Therefore, an exception or adjustment is not necessary.

- I. **Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

**Findings:** The applicant owns the entire property and does not require access from an adjoining lot. This project does not include nor require joint access easements. Staff requires no additional easements. This standard is met.

#### 17-3.3.40 Pedestrian Access and Circulation

**A. Purpose and Intent.** Section 17-3.3.040 implements the pedestrian access and connectivity policies of the City of Molalla Transportation System. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

**B. Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation as generally illustrated in Figure 17-3.3-3:

1. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

**Findings:** The Applicant has not proposed a continuous walkway system but provided the following response addressing onsite pedestrian circulation:

*This project involves improvements to the site to accommodate specialty trade contractors. Only authorized individuals will access the site; as it is not planned to be open to the public or customers. That said, there is an existing sidewalk along the majority of the site's Commercial Parkway frontage.*

While the Applicant's reasoning for omitting onsite pedestrian walkways is undeveloped. Staff concurs that onsite pedestrian walkways are not warranted for this development based on the following observations. The operations of specialty contracting businesses are typically conducted outdoors and involve the free movement of workers and vehicles across a typical site. The illustration in Figure 17-3.3-3 depicts typical site features that resemble a shopping center, office complex, or multifamily site that are not typically applicable to a general contracting site in a heavy industrial zone (M-2). Staff also observes other jurisdictions, such as Portland, do not apply pedestrian standards to development in the industrial zones. The Applicant indicates the site will not be open to the public and will not host customers, clients, or visitors in the same way that a typical retail, office, or residential development does as envisioned in Figure 17-3.3-3. Staff concurs with the Applicant that the pedestrian connectivity to the existing sidewalk on Commercial Parkway is sufficient as long as access to the site is controlled so the general public does not have access.

2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

- a. The walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
- b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Planning Official may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
- c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 17-3.2 and, where required, Americans with Disabilities Act (ADA) requirements.

**Findings:** Staff views the site as including a single destination containing the operations of the contracting business. Therefore safe, direct, and convenient pedestrian connection between the site and the public right-of-way meets the standard. This standard is met.

3. **Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the Planning Official may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

**Findings:** Staff incorporate findings from Subsection B.1 above. This standard does not apply.

4. **Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding 24 feet in length.

**Findings:** Crosswalks are not warranted due the characteristics of the site described in the findings addressing Subsection B.1. This standard does not apply.

5. **Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant to Chapter 17-4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the current version of the Public Works Design Standards and Transportation System Plan.

6. **Walkway Construction (Private).** Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than six feet in width in commercial and mixed use developments and where access ways are required for subdivisions under Division IV.

**Findings:** No private walkways are proposed. This standard does not apply.

7. **Multi-Use Pathways.** Multi-use pathways, where approved, shall be a minimum width and constructed of materials consistent with the current version of the Public Works Design Standards and Transportation System Plan.

**Findings:** No multi-use pathways are proposed. This standard does not apply.

## Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting

### 17-3.4.030 Landscaping and Screening

- A. **General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.

**Findings:** The Applicant's site plan shows that existing vegetation is planned to be retained on all areas of the subject parcel that are not developed for the outdoor storage and contracting business. This standard is met.

- B. **Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Tables 17-2.2.040.D and 17-2.2.040.E. The Planning Official, consistent with the purposes in Section 17-3.4.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

**Findings:** The Applicant's Preliminary Plans in Exhibit C show minimum the landscaping requirement is met with existing vegetation. This standard is met.

- C. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:

1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered.
2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.
3. Trees shall be not less than two-inch caliper for street trees and one and one-half-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.
4. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75 percent at maturity.
7. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 35 percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
8. Where stormwater retention or detention, or water quality treatment facilities are proposed, they shall meet the requirements of the current version of the Public Works Design Standards.
9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
10. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
11. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
12. Deciduous trees should be used where summer shade and winter sunlight is desirable.
13. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
14. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.

15. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
16. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, stormwater detention facilities, and similar grading, is proposed.
17. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

**Findings:** Applicant's Preliminary Site Plans show the landscape coverage requirement are met with existing vegetation. Additional landscaping shall meet the requirements of Subsection 1 through 17 above. These standards are met.

**D. Central Commercial C-1 District Streetscape Standard.** Developers of projects within the Central Commercial C-1 zoning district can meet the landscape area requirement of subsection B, in part, by installing street trees in front of their projects. The Planning Official shall grant credit toward the landscape area requirement using a ratio of 1:1, where one square foot of planted area (e.g., tree well or planter surface area) receives one square foot of credit. The Planning Official may grant additional landscape area credit by the same ratio where the developer widens the sidewalk or creates a plaza or other civic space pursuant to Section 17-3.2.050.

**Findings:** The subject property is not in the C-1 zone. These standards do not apply.

**E. Parking Lot Landscaping.** All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of shade trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide a partial canopy cover over the parking lot within five years. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.

**Findings:** The planned parking area provides fewer than 12 spaces. This standard does not apply.

2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking

spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

**Findings:** The parking area does not propose more than 20 spaces. This standard does not apply.

3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of that area is covered with living plants.

**Findings:** General landscaping requirements are met with existing vegetation. Additional landscape areas are not necessary for the parking area.

4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.

**Findings:** The Applicant's submitted site plan shows that parking stalls will have wheel stops to protect landscaping areas. This standard is met.

5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

**Findings:** The project does not involve trees planted in tree wells within sidewalks or other paved areas. This standard does not apply.

F. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the Planning Official. Landscaping shall be provided pursuant to the standards of subsections F.1 through 3. (See also Figure 17-3.4-4.)

1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 17-3.4.040 for related fence and wall standards.

**Findings:** The Applicant has applied for a Conditional Use Permit for outdoor storage associated with a specialty contracting business that is presumed to contain goods, materials, equipment, and vehicles associated with the contractor business. A sight-obscuring fence, wall, landscape screen, or combination of screening methods is required to meet this standard. The Applicant has proposed elsewhere in the application that they can add slats to the existing fence along the



adjacent Commercial Parkway right of way to meet this standard. Therefore, it is included as a condition of approval.

2. **Parking Lots.** The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three feet and four feet.

**Findings:** The screening will be required along the adjacent right of way as previously discussed. This standard will be met as conditioned.

3. **Other Uses Requiring Screening.** The Planning Official may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, Special Uses pursuant to Chapter 17-2.3, flag lots, and as mitigation where an applicant has requested an adjustment pursuant to Chapter 17-4.7.

**Findings:** The application includes outdoor storage and the required screening is addressed with a condition of approval.

- G. **Maintenance.** All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

**Findings:** As an ongoing condition of approval all landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

#### 17-3.4.040 Fences and Walls

- A. **Purpose.** This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.
- B. **Applicability.** Section 17-3.4.040 applies to all fences, and to walls that are not part of a building, including modifications to existing fences and walls.

**Findings:** Applicant has proposed modification of the existing fencing along Commercial Parkway for screening the outdoor storage area. This section applies.

- C. **Height.**

1. **Residential Zones.**

**Findings:** The Applicant's proposal is in a non-residential zone. These standards do not apply.

2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall.
  - a. Within Front or Street-Facing Side Yard Setback. Four feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
    - (1) Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
  - b. Within an Interior Side or Rear Yard Setback. Eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

**Findings:** As shown on the Preliminary Plans in Exhibit C, there is an existing chain link fence along the Commercial Parkway frontage. There is no front yard setback requirement in the M-2 Zone. This standard does not apply.

3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 17-3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

**Findings:** An ongoing condition of approval is recommended to prevent visual obstructions in vision clearance areas. This standard is met.

- D. **Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in the M-2 Heavy Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

**Findings:** Applicant’s submitted application states existing fencing is constructed of allowed materials. Standard is met.

- E. **Permitting.** A Type I approval is required to install a fence of six feet or less in height, or a wall that is four feet or less in height. All other walls and fences require review and approval by the Planning Official through a Type II procedure. The Planning Official may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes. Walls greater than four feet in height shall be designed by a Professional Engineer licensed in the State of Oregon.

**Findings:** Fencing is being reviewed as part of this site design review. Additional fencing not included in this application will require a Type I approval.

F. **Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner. (Ord. 2017-08 §1)

**Findings:** This standard is met subject to a condition of approval. As an ongoing condition of approval, fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

#### 17-3.4.050 Outdoor Lighting

A. **Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.

B. **Applicability.** All outdoor lighting shall comply with the standards of this section.

C. **Standards.**

1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet; pedestal- or bollard-style lighting shall be used to illuminate walkways. Flag poles, utility poles, and streetlights are exempt from this requirement.

**Findings:** The application does not propose lighting. If outdoor lighting is proposed in the future, it will be subject to the requirements of this section.

2. Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.

**Findings:** See discussion above.

3. Outdoor lighting levels shall be subject to review and approval through Site Design Review. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

**Findings:** See discussion above.

4. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.

**Findings:** See discussion above.

5. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.

**Findings:** See discussion above.

6. Walkway lighting in private areas shall have a minimum average illumination of not less than 0.2 foot-candles. Lighting along public walkways shall meet the current version of the Public Works Design Standards and AASHTO lighting requirements.

**Findings:** See discussion above.

7. Active building entrances shall have a minimum average illumination of not less than two foot-candles.

**Findings:** See discussion above.

8. Surfaces of signs shall have an illumination level of not more than two foot-candles.

**Findings:** The Applicant has not submitted signage with this application. This standard does not apply. Proposed signs will be held to this standard as submitted.

9. Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than 0.2 foot-candles, average illumination of approximately 0.8 foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than 20:1.

**Findings:** The application does not propose lighting. If outdoor lighting is proposed in the future, it will be subject to the requirements of this section.

10. Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:
  - a. Poles should be no greater in height than four times the distance to the property line.
  - b. Maximum lumen levels should be based on fixture height.
  - c. Private illumination shall not be used to light adjoining public right-of-way.

**Findings:** The application does not propose lighting. If outdoor lighting is proposed in the future, it will be subject to the requirements of this section.

11. Where a light standard is placed within a walkway, an unobstructed pedestrian through zone not less than 48 inches wide shall be maintained.

**Findings:** See discussion above.

12. Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

**Findings:** See discussion above.

- D. Permitting. A Type I approval is required to install or replace outdoor lighting. The Planning Official may require lighting as a condition of approval for some projects, pursuant to other Code requirements.

**Findings:** The applicant is not planning outdoor lighting at this time. If lighting fixtures are added in the future they will require this permit.

- E. **Maintenance.** For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner. (Ord. 2017-08 §1)

**Findings:** The applicant is not planning outdoor lighting at this time. If lighting fixtures are added in the future they will require this permit, they will be subject to this requirement.

## Chapter 17-3.5 Parking and Loading

### Section 17-3.5.020 Applicability and General Regulations

- A. **Where the Regulations Apply.** The regulations of this chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.
- B. **Occupancy.** All required parking areas must be developed in accordance with the requirements of this Code prior to occupancy of any structure on the subject site. Where landscaping, screening, or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the Planning Official prior to occupancy.

**Findings:** These standards are met subject to a condition of approval. As a condition of approval, all landscaping, parking, lighting, and other improvements shall be installed by the Applicant and approved by the Planning Official prior to occupancy.

- C. **Calculations of Amounts of Required and Allowed Parking.**

1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection C.3. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 17-3.5.030.D.
3. When more than 50 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.
4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 17-2.2.030, and is permitted as a Temporary Use under Section 17-2.3.160.

**Findings:** Applicant proposes 9 parking spaces which has been determined to be appropriate for the use through Conditional Use Permit review. Standard is met.

- D. **Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 17-3.5.030.D.
- E. **Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within 800 feet of the site.

**Findings:** Staff finds that the proposed parking spaces are provided for employees of the site and that the proposed parking lot is on site and closer than 800 ft from the employee’s work area. These standards are met.

- F. **Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting and Chapter 17-3.6 Public Facilities. (Ord. 2017-08 §1)

**Findings:** Applicant has proposed onsite parking only. This provision does not apply.

### Section 17-3.5.030 Automobile Parking

- A. **Minimum Number of Off-Street Automobile Parking Spaces.** Except as provided by this subsection A, or as required for Americans with Disabilities Act compliance under subsection G, off-street parking shall be provided pursuant to one of the following three standards:
  1. The standards in Table 17-3.5.030.A;
  2. A standard from Table 17-3.5.030.A for a use that the Planning Official determines is similar to the proposed use; or
  3. Subsection B Exceptions, which includes a Parking Demand Analysis option.

**Findings:** The Applicant submitted the following response to the parking requirements:

*Planned business operations primarily involve trucks delivering tools, materials, and equipment to the site and the storage of those materials. Only authorized individuals will access the site; it will not be open to the public or customers. The Preliminary Plans (Exhibit A) show where the parking and storage areas are located on-site, and that the area is sufficient for this use.*

Based on the information provided, staff finds that the *Warehouse and Freight Movement* use under the Industrial Categories in Table – 3.5.030 to be the most similar use to the Applicant’s description. The Applicant describes the operation as primarily for equipment storage, similar to a warehouse, and doesn’t describe any sales activity that would lead staff to consider the *Wholesale Sales* category. The requirement for the 0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review. Conditional Use Permit review is included in this application therefore, staff concurs with the Applicant that the 9 proposed spaces are sufficient for the planned use.

#### B. Carpool and Vanpool Parking Requirements.

2. Carpool and vanpool parking spaces shall be identified for the following uses:
  - a. New commercial and industrial developments with 50 or more parking spaces;
  - b. New institutional or public assembly uses; and
  - c. Transit park-and-ride facilities with 50 or more parking spaces.
3. Of the total spaces available for employee, student, and commuter parking, at least five percent, but not fewer than two, shall be designated for exclusive carpool and vanpool parking.
4. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other parking spaces with the exception of ADA parking spaces.
5. Required carpool/vanpool spaces shall be clearly marked “Reserved—Carpool/Vanpool Only.”

**Findings:** The submitted proposal involves an industrial use with fewer than 50 parking spaces. No carpool or vanpool spaces have been proposed. This standard does not apply.

#### C. Exceptions and Reductions to Off-Street Parking.

**Findings:** The Applicant has not requested any off-street parking exceptions nor are any required. This standard is met.

**D. Maximum Number of Off-Street Automobile Parking Spaces.** The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces for the use pursuant to Table 17-3.5.030.A, times a factor of:

1. 1.2 spaces for uses fronting a street with adjacent on-street parking spaces; or
2. 1.5 spaces, for uses fronting no street with adjacent on-street parking; or
3. A factor based on applicant’s projected parking demand, subject to City approval.

**Findings:** The parking requirement was determined through Conditional Use review. The maximum requirement does not apply.

E. **Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type I Review.

**Findings:** The Applicant has not requested any shared parking arrangements. This standard does not apply.

F. **Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17-3.5.030.F and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, sidewalks, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 17-3.6.050.

**Findings:** All 9 proposed parking spaces are proposed at 90-degree angles from the drive aisle. MMC Table 17-3.5.030 F requires that 90 degree angled spaces, as proposed, have at least:

18' stall depth.

8.5' stall curb width

23' drive aisle (1 way).

The Applicant proposes parking stalls with 20' depth, 10' width, and an access area in excess of 23'. These standards are met.

As a condition of approval, all parking areas and drive aisles shall be paved in accordance with MMC 17-3.5.030 F.

G. **Adjustments to Parking Area Dimensions.** The dimensions in subsection E are minimum standards. The Planning Official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area. For example, the Planning Official may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must



be filed with the City ensuring that an attendant will always be present when the lot is in operation.

**Findings:** The Applicant has not requested any modifications to parking area dimensions nor are any required. This standard does not apply.

H. **Americans with Disabilities Act (ADA).** Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

**Findings:** This standard is met subject to a condition of approval. As a condition of approval, parking shall be provided consistent with ADA requirements.

I. **Electric Charging Stations.** Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements.

**Findings:** No electric charging stations are proposed. This standard does not apply.

#### 17-3.5.040 Bicycle Parking

A. **Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 17-3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to Section 17-3.5.030.C, the Planning Official may require bicycle parking spaces in addition to those in Table 17-3.5.040.A.

B. **Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle, consistent with the Public Works Design Standards.

C. **Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

D. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall be located to not conflict with the vision clearance standards of Section 17-3.3.030.G.

**Findings:** Table 17-3.5.040.A. requires 2 bike parking spaces per primary use or 1 per 10 vehicle spaces for an industrial use, whichever is greater. 2 bike parking spaces are required. This requirement is included as a recommended condition of approval.

#### 17-3.5.040 Loading Areas

- A. **Purpose.** The purpose of Section 17-3.5.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.
- B. **Applicability.** Section 17-3.5.050 applies to uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a 40-foot or longer wheelbase, at a frequency of one or more vehicles per week. The Planning Official shall determine through a Type I review the number, size, and location of required loading areas, if any.
- C. **Standard.** Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The Planning Official may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.
- D. **Placement, Setbacks, and Landscaping.** Loading areas shall conform to the standards of Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; and Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
- E. **Exceptions and Adjustments.** The Planning Official, through a Type I Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority. (Ord. 2017-08 §1)

**Findings:** The project as proposed will function as a loading area that will allow business operations to be conducted without interfering with the operation of the adjacent street. This standard is met.

#### Chapter 17-3.6 Public Facilities

**Findings:** Staff incorporate the findings provided by the Public Works Department to Chapter 17-3.6 included in Exhibit D. These standards will be met per the conditions recommended by Public Works.

**E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and**

**Findings:** The project is found to meet all the applicable standards for the planned non-residential use within the M-2 zone. Adverse impacts related to the outdoor storage, while not anticipated, are addressed through Conditional Use review, which is included in this application. This criterion is met.

**F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: Compliance with other City codes and requirements, though not applicable land use standards, may be required prior to issuance of building permits. (Ord. 2017-08 §1)**

**Findings:** The project is not subject to any outstanding conditions of approval. The Applicant supplied the City with two development agreements between the City and subject property that are included as Exhibit F of this document. Any discrepancies between binding terms of the agreements and this staff report will be considered in Civil Review. This criterion is met.

**EXHIBIT B:**

*Findings of Fact for CUP03-2023*

## 17-4.4.040 Criteria, Standards, and Conditions of Approval

**Findings:** The Applicant's submitted application is for a general contracting business with outdoor storage. Outdoor storage areas require a conditional use permit. The Applicant's conditional use permit may be granted approval in conjunction with the site design review. Applicable criteria for inclusion and staff responses are as follows:

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in subsections A and B.

### A. Use Criteria.

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

**Findings:** The Applicant's proposed design met all applicable zoning and design criteria subject to the conditions found in Exhibit A of this staff report. Staff finds the site suitable for the proposed development.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval;

**Findings:** The Applicant has proposed screening between outdoor storage areas and streets to limit visual impacts. The Applicant submitted a Traffic Impact Letter showing that the proposed development would not cause substantial stress to existing roadways and intersections. Staff does not anticipate additional impacts from this use.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

**Findings:** Public improvements meet all applicable criteria for utilities and streets subject to the conditions found in Exhibit A of this staff report.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Division II; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**Findings:** The Applicant's proposed is allowed use under MMC Chapter 17, Division II within the Heavy Industrial, M-2 zone.

- B. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

**Findings:** The subject property is surrounded by Heavy Industrial (M-2) and some General Commercial (C-2) and zoned land. As the use entails outdoor storage of construction and landscaping materials, Staff advises that dust may be an issue and that the Applicant be mindful of dust impacts that may arise from the use. Any issues that arise will be considered in renewal of this permit. Otherwise, Staff does not anticipate that the proposed use will create adverse effects on existing land uses that would require mitigation in addition to the conditions required through the Site Design Review criteria addressed in Exhibit A.

**EXHIBIT C:**

Consolidated Application Package SDR05-2023, AND  
CUP03-2023

# Commercial Parkway Site Design Review Application and Conditional Use Permit

---

**Date:** December 2023

**Submitted to:** City of Molalla  
Planning and Community Development  
PO Box 248  
Molalla, OR 97038

**Owner/Applicant:** Dean Leasing, LLC  
1100 SW Sixth Avenue, Suite 1600  
Portland, OR 97204

**AKS Job Number:** 10362



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151



---

## Table of Contents

<b>I. Executive Summary .....</b>	<b>2</b>
<b>II. Site Description/Setting .....</b>	<b>2</b>
<b>III. Applicable Review Criteria .....</b>	<b>3</b>
CITY OF MOLALLA DEVELOPMENT CODE.....	3
Chapter 17-2.2 ZONING DISTRICT REGULATIONS.....	3
Chapter 17-3.2 BUILDING ORIENTATION AND DESIGN .....	6
Chapter 17-3.4 LANDSCAPING, FENCES AND WALLS, OUTDOOR LIGHTING .....	11
Chapter 17-3.5 PARKING AND LOADING .....	13
Chapter 17-3.6 PUBLIC FACILITIES .....	14
Chapter 17-4.2 SITE DESIGN REVIEW.....	22
Chapter 17-4.4 CONDITIONAL USE PERMITS .....	27
<b>IV. Conclusion.....</b>	<b>29</b>

## Exhibits

**Exhibit A:** Preliminary Plans

**Exhibit B:** City Land Use Application Form

**Exhibit C:** Alternative Design Request

**Exhibit D:** Preliminary Stormwater Report

**Exhibit E:** Transportation Analysis Letter

**Exhibit F:** Oregon Department of State Lands Wetland Delineation Concurrence

**Exhibit G:** Clackamas County Assessor’s Map

**Exhibit H:** Property Ownership Information

---

---

# Commercial Parkway Site Design Review Application and Conditional Use Permit

<b>Submitted to:</b>	City of Molalla Planning and Community Development PO Box 248 Molalla, OR 97038
<b>Owner/Applicant:</b>	Dean Leasing, LLC 7421 SE 35 <sup>th</sup> Avenue Portland, OR 97202
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact: Chris Goodell, AICP, LEED <sup>AP</sup> Email: <a href="mailto:chrisg@aks-eng.com">chrisg@aks-eng.com</a> Phone: (503) 563-6151
<b>Site Location:</b>	The site is located south of Highway 211 and west of Commercial Parkway
<b>Clackamas County Assessor's Map:</b>	5 2 E 07D Tax Lot 1700
<b>Site Size:</b>	±10.31 acres
<b>Land Use District:</b>	Heavy Industrial (M-2)

---

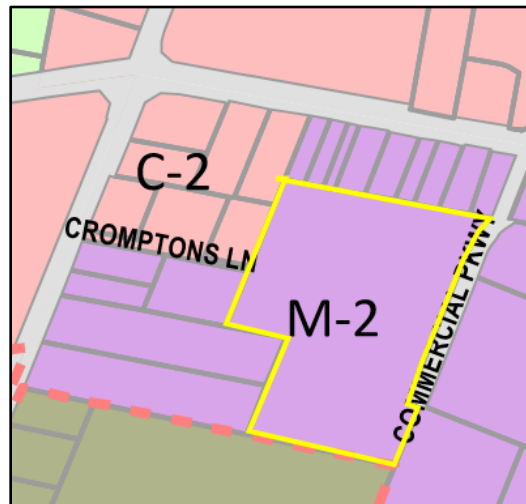
## I. Executive Summary

This project involves use of industrial zoned land for industrial uses as permitted in the City of Molalla Development Code. Although the applicant's property is over 10 acres in size, only a small portion of the site (eastern) is involved in this project. This area is planned to be improved with additional gravel surface for use by specialty trade contractors. Therefore, Site Design Review is required. Because most types of specialty trade contractors require outdoor storage for related equipment and materials as part of their business, Conditional Use Review is also included herein.

This application includes the City application forms, written materials, preliminary plans, and other documentation necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## II. Site Description/Setting

The subject site is ±10.31 acres and is located west of Commercial Parkway and south of Highway 211 (Clackamas County Assessor's Map 52E07C Tax Lot 1700). The site has a Heavy Industrial (M-2) zoning designation that had previous industrial use and has existing access to Commercial Parkway.



To the north and east of the site are properties that have M-2 zoning designations. To the west of the site are properties that have C-2 and M-2 zoning designations. The City's boundary follows the southern property line, and the property to the south is in unincorporated Clackamas County.

The City of Molalla's Local Wetland Inventory Map shows a creek and potential wetland on the property that traverses the site from the north to the southeast, and as such a wetland delineation was prepared and concurrence was received from the State of Oregon Department of State Lands (DSL). The improvements that are included with this application are located outside of the delineated wetland boundaries. It is intended that these wetlands will be filled in the future, with the required approvals from DSL to help set the stage for possible further expansion and improvement of the site.

**III. Applicable Review Criteria**  
**CITY OF MOLALLA DEVELOPMENT CODE**

**Chapter 17-2.2 ZONING DISTRICT REGULATIONS**

**17-2.2.030 Allowed Uses**

- A. **Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 17-2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. If Table 17-2.2.030 does not list a specific use, and Division V Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, by following the procedures of Section 17-1.5.010 Code Interpretations. Uses not listed in Table 17-2.2.030 and not found to be similar to an allowed use are prohibited.
- B. **Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to Section 17-2.2.040 Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 17-2.3 Special Use Standards and Section 17-2.2.040 Lot and Development Standards. Uses listed as “Not Allowed (N)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 17-1.5.010.
- H. **Outdoor Uses and Unenclosed Activities.** Notwithstanding the provisions of Table 17-2.2.030, any use, except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 17-4.4. Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.

Table 17-2.2.030 – Uses Allowed by Zoning District	
Uses	Commercial and Industrial Zones
<b>C. Commercial Uses</b>	M-2
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	P
<b>D. Industrial and Employment Uses</b>	P
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	
Key: P = Permitted Use S = Permitted with Special Use Standards CU = Conditional Use Permit Required N = Not Allowed	

**Response:** This application involves minor but important site improvements to allow for a small portion of the Applicant’s property to be used as a specialty trade contracting facility. Because outdoor storage is an integral part of most specialty trade contractors, a conditional use permit is also included.

**17-2.2.040 Lot and Development Standards**



- 
- A. **Development Standards.** Section 17-2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 17-2.2.040 are organized into two tables: Table 17-2.2.040.D applies to Residential zones, and Table 17-2.2.040.E applies to non-residential zones.

**Response:** This application involves Site Design Review and a Conditional Use Permit for use by specialty trade contractors on property that has an M-2 zoning designation. The development standards for properties in the M-2 zone are found in Table 17-2.2.040.E and discussed in detail below. This standard is met.

- B. **Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Division III. Notwithstanding the provisions of Section 17-2.2.040 and Division III, different standards may apply in specific locations, such as at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. For requirements applicable to the City’s overlay zones, please refer to Chapter 17-2.4.

**Response:** As applicable, the above-referenced design standards are discussed in detail throughout this application. This standard is met.

- C. **Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. Submittal of a Zoning Checklist for review and approval by the Planning Official may be required in order to determine whether use is allowed on a given site, and whether further land use review is required.

**Response:** This application responds to the applicable sections of the Molalla Development Code. This standard is met.

(...)

- E. **Lot and Development Standards for Non-Residential Districts.** The development standards in Table 17-2.2.040.E apply to all new development as of November 10, 2017 in the City’s non-residential zones, as follows.

Table 17-2.2.040.E – Lot and Development Standards for Non-Residential zones	
Standard	I Zones
Minimum Lot Area (square feet)*Development must conform to lot width, depth, yard setback, and coverage standards.	None
Minimum Lot Width and Depth	None
Building or Structure Height. Standard Maximum Height	55 ft.
Fences and Non-Building Walls Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street-Side; or Reverse Frontage Lot (rear) (See also Section 17-3.4.040.)	4 ft 6 ft 6 ft 4 ft or 6 ft with 5 ft landscape buffer
Lot Coverage. Maximum Lot Coverage (foundation plane area as % of site area)	100%
Minimum Landscape Area (% lot area), includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. Landscape area may include street trees and civic space improvements in some zones, per Sections 17-3.2.050 and 17-3-4.030.	5%
Minimum Setbacks (feet). See also Sections 17-2.2.050	
Front, Street-Side, Interior Side, and Rear property lines, except garage or carport, or as required by other code provisions. Garage or Carport Entry, set back from street Alley Adjacent to R Districts	0 ft 20 ft 3 ft 10 ft
Build-To Line Maximum (feet):  New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. To avoid encroachment into the right-of-way, doorways are not required to be flush with the build-to line.	Not Applicable
Special Setback for Planned Street Improvements: Except as waived by the City Engineer, new structures or additions on lots abutting an existing public street that does not meet the right-of-way standards of Section 17-3.6.020, shall provide setbacks sufficient to allow for the future planned right-of-way, plus the minimum required yard setback.	

**Response:** This project does not include garages or alleys, nor is it adjacent to properties within an R District. Therefore, pursuant to the above table, the planned building does not have minimum setbacks. Additionally, pursuant to the above, build-to-line provisions do not apply to properties with an M-2 zoning designation. The other applicable development standards are addressed in detail later in this application. This standard is satisfied.

17-2.2.050 Setback Yards Exceptions

**Response:** As previously discussed, the project does not have required setback areas. These standards do not apply and have been omitted for brevity.

- B. **Reverse Frontage Lots.** Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Sections 17-2.2.040 and 17-2.2.050, and the design standards (e.g., materials and landscape buffer requirements) of Section 17-3.4.040.
- C. **Flag Lots.** Where a flag lot is proposed, the Planning Official shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:

**Response:** This project does not include reverse frontage or flag lots. These standards are not applicable.

(...)

17-2.2.070 **Lot Coverage**

**Lot Coverage Calculation.** The maximum allowable lot coverage, as provided in Tables 17-2.2.040.D and 17-2.2.040.E, and is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 30 inches or greater above the finished grade. It does not include paved surface-level developments such as driveways, steps, parking pads, and patios that do not meet the minimum elevation of 30 inches above grade.

**Response:** Pursuant to Table 17-2.2.040.E, the maximum allowable lot coverage for industrially zoned properties is 100 percent. As shown on the Preliminary Plans (Exhibit A), the planned site improvements are well below the maximum allowed. This standard is met.

17-2.2.080 **Height Measurement, Exceptions, and Transition**

- A. **Building Height Measurement.** Building height is measured pursuant to the State of Oregon Structural Specialty Code.
- B. **Exception from Maximum Building Height Standards.** Except as required pursuant to Federal Aviation Administration regulations, chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

**Response:** As previously discussed, this application involves site improvements for use by specialty trade contractors that may include the placement of one or more temporary portable modular offices in the future, but new permanent buildings are not anticipated at this time. Therefore, these provisions are not applicable.

Chapter 17-3.2 **BUILDING ORIENTATION AND DESIGN**

17-3.2.020 **Applicability**

Chapter 17-3.2 applies to all new buildings, including single-family detached homes, and exterior alterations to existing buildings. The Planning Official, through a Type II procedure, may grant adjustments to Chapter 17-3.2, pursuant to the criteria of Chapter 17-4.7 Adjustments and Variances.

**Response:** This application involves improvements for specialty trade contractors that may include the placement of one or more temporary portable modular offices in the future, but new permanent buildings are not anticipated at this time. Therefore, these standards are not applicable and have been omitted for brevity.

17-3.3.030 **Vehicular Access and Circulation**

---

(...)

- B. **Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

**Response:** As shown on the Preliminary Plans (Exhibit A), this site will take access from Commercial Parkway by way of existing driveways. As these are existing driveways, connection permits should not be necessary.

- C. **Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 17-3.6.020, to determine compliance with this Code.

**Response:** A Transportation Analysis Letter (TAL) is included with this application. The TAL examines the effects of the planned improvements on the transportation system in the vicinity of the site and based on this detailed analysis, the surrounding transportation system can safely support the planned project. This criterion is satisfied.

- D. **Approach and Driveway Development Standards.** Approaches and driveways shall conform to all of the following development standards:

1. **The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.**

**Response:** The subject site has frontage on Commercial Parkway which is shown in Figure 8 of the City of Molalla Transportation System Plan (TSP) to be a Neighborhood Street. Therefore, this standard does not apply.

2. **Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.**

**Response:** As shown on the Preliminary Plans (Exhibit A), the site will have two points of access to Commercial Parkway. Each of these approaches meets the access spacing standards for private access drives, meeting the applicable City of Molalla Code.

3. **Driveways shall be paved and meet applicable construction standards. Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Public Works Design Standards.**

**Response:** As shown on the Preliminary Plans (Exhibit A), the site has two existing driveways. The southern driveway is currently gravel and can be paved to meet applicable City of Molalla construction standards. To the extent applicable, this criterion is met.

4. **The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.**

**Response:** The site has frontage on Commercial Parkway (Neighborhood Street). Pursuant to Table 10, the minimum spacing standard for private access drives on Neighborhood Streets is 150 feet. As shown on the Preliminary Plans (Exhibit A), the two existing driveways are greater than 150 feet apart, meeting access spacing requirements, and alleviating traffic operations concerns. To the extent applicable, this criterion is met.



- 
5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the City Engineer may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City Engineer may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

**Response:** As previously stated, the existing driveways meet applicable spacing standards. Additionally, the properties to the south can have access to Commercial Parkway at some point in the future when it is extended and be able to meet access spacing standards.

6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

**Response:** The Preliminary Plans show the site has two existing driveways providing access. The plans further illustrate there is a 20-foot-wide paved section that will connect the two driveways, providing sufficient emergency vehicle access. This standard is met.

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.

**Response:** As previously discussed, the has two accesses that are planned to be connected to each other with a 20-foot-wide paved access drive, providing for trucks to enter and exit the site efficiently.

8. Except where the City Engineer and roadway authority, as applicable, permit an open access with perpendicular or angled parking, driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

**Response:** As shown on the Preliminary Plans (Exhibit A), this project does not include open access with parking located where it necessitates backing onto a public street. This standard is not applicable.

9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.

**Response:** As shown on the Preliminary Plans (Exhibit A) the project has been designed to not involve/require obstructions to public rights-of-way. This standard is met.

10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.

**Response:** As shown on the Preliminary Plans (Exhibit A), the existing approach is designed to accommodate anticipated peak hour trips and is not wider than necessary. This standard is met.

11. As it deems necessary for pedestrian safety, the City Engineer, in consultation with the roadway authority, as applicable, may require that traffic-calming features, textured driveway surfaces (e.g., pavers or similar devices), curb

---

extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.

**Response:** This application involves minor site improvements to permit a portion of the to be used by specialty trade contractors. Only authorized individuals will access the site; it will not be open to the public or customers. That said, there is an existing sidewalk along the majority of the site's Commercial Parkway frontage. Measures, such as traffic calming, curb extensions, and/or traffic control devices are not needed or warranted. To the extent applicable, this standard is satisfied.

12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.

**Response:** This application does not include new driveway approaches along acceleration or deceleration lanes. This standard is met.

13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.

**Response:** This application involves minor improvements to allow for a small portion of the site to be used by specialty trade contractors that may load and unload materials to and from trucks onsite. The site has two existing driveways that allow for trucks to enter the site and exit the site without conflicts with the parking area, landscaping, or existing sidewalk along the site's Commercial Parkway frontage. Therefore, this standard is met.

14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.

**Response:** Commercial Parkway abuts the majority of the site's frontage and there is an existing sidewalk providing ADA access to the site within the Commercial Parkway right-of-way. As previously stated, this project has access to Commercial Parkway from two existing driveways. The southern driveway is currently gravel, and if necessary, the driveway apron can be constructed of concrete.

16. The City Engineer may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Engineer may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

---

**Response:** As shown on the Preliminary Plans (Exhibit A), this site has two existing accesses to Commercial Parkway. The project does not include new access.

18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.

**Response:** As shown on the Preliminary Plans (Exhibit A), the existing site accesses do not cross one of the above-referenced features that are under the jurisdiction of another agency. This standard is not applicable.

19. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable Public Works Design Standards.

**Response:** As shown on the Preliminary Plans (Exhibit A), the existing driveways do not cross a culvert or drainage ditch. This standard is not applicable.

20. Except as otherwise required by the applicable roadway authority or waived by the City Engineer temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

**Response:** As shown on the Preliminary Plans (Exhibit A), there are existing gravel areas inside of the site's existing access to Commercial Parkway, providing an area for vehicles to be staged and prevent tracking of mud onto Commercial Parkway.

21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 17-3.6.050.

**Response:** As shown on the Preliminary Plans (Exhibit A) and discussed in the Preliminary Stormwater Report (Exhibit D), the planned improvements include stormwater management in accordance with Section 17-3.6.050. This criterion is satisfied.

- E. Approach Separation from Street Intersections. Except as provided by subsection H, minimum distances shall be maintained between approaches and street intersections consistent with the current version of the Public Works Design Standards and Transportation System Plan.
- F. Approach Spacing. Except as provided by subsection H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches consistent with the current version of the Public Works Design Standards and Transportation System Plan.

**Response:** The site has frontage on Commercial Parkway (Neighborhood Street). Pursuant to Table 10, the minimum spacing standard for private access drives on a Neighborhood Street is 150 feet. As shown on the Preliminary Plans (Exhibit A), the existing driveways are greater than 150 feet from each other or other approaches on this side of Commercial Parkway, meeting access spacing requirements found in the Public Works Design Standards.

- 
- G. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than 2.5 feet in height shall be placed in “vision clearance areas” at street intersections. The minimum vision clearance area may be modified by the Planning Official through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.

**Response:** Vision clearance areas of the existing driveways are clear of obstructions. This standard is met.

- H. Exceptions and Adjustments. The City Engineer may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The Planning Official through a Type II procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.

**Response:** As stated previously, the site is planned to access Commercial Parkway from two existing driveways that meet applicable spacing standards. Therefore, an exception or adjustment is not necessary.

- I. Joint Use Access Easement and Maintenance Agreement. Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

**Response:** This project does not include nor require joint access easements. This standard is not applicable.

17-3.3.040 Pedestrian Access and Circulation

(...)

- B. Standards. Developments shall conform to all of the following standards for pedestrian access and circulation as generally illustrated in Figure 17-3.3-3:
  - 1. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

**Response:** This project involves improvements to the site to accommodate specialty trade contractors. Only authorized individuals will access the site; as it is not planned to be open to the public or customers. That said, there is an existing sidewalk along the majority of the site’s Commercial Parkway frontage.

Chapter 17-3.4 LANDSCAPING, FENCES AND WALLS, OUTDOOR LIGHTING

17-3.4.030 Landscaping and Screening

- 
- A. **General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.
  - B. **Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Tables 17-2.2.040.D and 17-2.2.040.E. The Planning Official, consistent with the purposes in Section 17-3.4.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

**Response:** The site does have existing vegetation and as shown on the Preliminary Plans (Exhibit A), additional landscaping is planned to be added around the project area to provide screening and to meet the minimum standard of five percent shown in Table 17-2.2.040.E. Additionally, there is an existing chain link fence along the site’s Commercial Parkway frontage, and slats can be added to it, if required, to provide additional screening.

- C. **Height.**
  - (...)
  - 2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall.
    - a. **Within Front or Street-Facing Side Yard Setback.** Four feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
      - (1) Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
    - b. **Within an Interior Side or Rear Yard Setback.** Eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

**Response:** As shown on the Preliminary Plans (Exhibit A), there is an existing chain link fence within the front yard setback. As previously discussed, slats can be added to this fence if necessary to provide site screening.

- 3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 17-3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

**Response:** This application does not include planned fences within vision clearance areas. This standard is not applicable.

- D. **Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in the M-2 Heavy Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

**Response:** As shown on the Preliminary Plans (Exhibit A), there is an existing chain link fence along the site’s Commercial Parkway frontage that slats can be added to if necessary to provide site screening. This standard is satisfied.

---

17-3.4.050 Outdoor Lighting

(...)

B. Applicability. All outdoor lighting shall comply with the standards of this section.

C. Standards.

1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet; pedestal- or bollard-style lighting shall be used to illuminate walkways. Flag poles, utility poles, and streetlights are exempt from this requirement.

**Response:** This project does not include planned outdoor lighting at this time. However, lighting fixtures for security measures may be added in the future that will meet applicable outdoor lighting standards.

Chapter 17-3.5 PARKING AND LOADING

17-3.5.030 Automobile Parking

A. Minimum Number of Off-Street Automobile Parking Spaces. Except as provided by this subsection A, or as required for Americans with Disabilities Act compliance under subsection G, off-street parking shall be provided pursuant to one of the following three standards:

**Response:** Planned business operations primarily involve trucks delivering tools, materials, and equipment to the site and the storage of those materials. Only authorized individuals will access the site; it will not be open to the public or customers. The Preliminary Plans (Exhibit A) show where the parking and storage areas are located on-site, and that the area is sufficient for this use.

17-3.5.040 Bicycle Parking

**Response:** This application involves an industrial use of land, primarily the offloading, storage, and onloading of contractor's materials, tools, equipment, and supplies. As such, bicycle parking is not warranted.

17-3.5.050 Loading Areas

A. Purpose. The purpose of Section 17-3.5.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability. Section 17-3.5.050 applies to uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a 40-foot or longer wheelbase, at a frequency of one or more vehicles per week. The Planning Official shall determine through a Type I review the number, size, and location of required loading areas, if any.

C. Standard. Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The Planning Official may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.

D. Placement, Setbacks, and Landscaping. Loading areas shall conform to the standards of Chapter 17-3.2 Building Orientation and Design; Chapter 17-3.3 Access and Circulation; and Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.



---

**Response:** Planned business operations involve trucks delivering tools, materials, and equipment to the site and the storage of those materials. Only authorized individuals are planned to access the site; as it is not anticipated to be open to the general public or customers. The Preliminary Plans (Exhibit A) show where the parking and storage can be accommodated on site and that the area is sufficient for this use.

Chapter 17-3.6 PUBLIC FACILITIES

17-3.6.020 Transportation Standards

A. General Requirements.

1. Except as provided by subsection A.5, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 17-3.6 as a condition of development approval.

**Response:** The majority of the subject site has frontage on Commercial Parkway (Neighborhood Street) which has been improved for many years, and the roadway design does not meet the current roadway configuration for Neighborhood Streets. Pursuant to the provisions of Section 2.12 of the 2017 Molalla Standard Specifications for Public Works Construction, this application includes a request for an alternative roadway design for Commercial Parkway. Additionally, right-of-way can be dedicated to the City to provide for the potential extension of Commercial Parkway at some time in the future.

2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 17-3.6.020, and shall be constructed consistent with the City of Molalla Public Works Design Standards.

**Response:** This application does not include an extension or widening of an existing street or public access way. This standard is not applicable.

3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, subject to review and approval of the City Engineer.

**Response:** This application does not include new streets. Therefore, this standard does not apply.

4. The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Transit Analysis Letter (TAL) or Traffic Impact Analysis (TIA) must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a TAL/TIA; and who is qualified to prepare the analysis.
  - a. Determining the Required Level of Transportation Analysis and Documentation. A Transportation Impact Analysis (TIA) is required for developments that are expected to have an impact on the transportation system. The analysis shall be based upon the latest edition of the ITE Trip Generation Manual or an agreed-upon alternative methodology where credible data is available to support the alternative methodology. When specific criteria generally

---

associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIA. At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIA when a development meets all the following criteria:

- (1) The development generates fewer than 25 peak hour trips during either the AM or PM peak hour. (Two examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 25 or fewer single-family residences or a general office building less than 15,000 square feet.)
  - (2) The development is not expected to impact intersections that currently fail to meet the City's level of service standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.
  - (3) The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones.
  - (4) The development generates an increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by less than 10 vehicles per day.
- b. Transportation Analysis Letter Contents. If the City determines, based on information provided by the applicant and in accordance with the criteria specified in Section 3.1, that a TAL is the appropriate document to submit. The following requirements shall apply.
- (1) The TAL shall be prepared by or prepared under the direct supervision of a registered professional engineer who shall sign and stamp the TAL.
  - (2) The TAL shall include the following:
    - i. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
    - ii. Site plan showing the location of all access driveways or private streets where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development.
    - iii. Documentation that all site access driveways meet City of Molalla Private Access Driveway Width Standards.
    - iv. Documentation that all site access driveways meet City of Molalla's Minimum City Street Intersection Spacing Standards.
    - v. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.



- 
- vi. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
  - vii. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.

**Response:** A Transportation Analysis Letter is being submitted as required by this section (Exhibit E).

- 5. The City Engineer may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in subdivisions (a) through (d) is met. Where the City Engineer agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.
  - a. The standard improvement conflicts with an adopted capital improvement plan.
  - b. The standard improvement would create a safety hazard.
  - c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
  - d. The improvement under consideration is part of an approved partition and the proposed partition does not create any new street.

**Response:** The majority of the site's eastern boundary abuts Commercial Parkway. On Figure 8 of the City of Molalla Transportation System Plan (TSP), Commercial Parkway is intended to extend to the south, curving slightly to the east. The extension of this road was discussed with City staff at the pre-application conference, and it was determined that this extension would not need to occur at this time. Commercial Parkway is unlikely to be extended in the near future and is sufficient to accommodate the planned project. If required a waiver of remonstrance can be provided.

**B. Street Location, Alignment, Extension, and Grades.**

- 1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection D Transportation Connectivity and Future Street Plans.
- 2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
- 3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.
- 4. New streets and street extensions exceeding a grade of 10 percent over a distance more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the City Engineer may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for

---

the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.

5. Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.
6. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.
7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

**Response:** This application does not include new streets or street extensions. Therefore, the standards included in this section are not applicable.

C. Rights-of-Way and Street Section Widths.

1. Street rights-of-way and section widths shall comply with the current version of the Public Works Design Standards and Transportation System Plan. The standards are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties.

**Response:** This application does not include new streets. However, the property is located adjacent to Commercial Parkway, a fully improved City Street. To the extent applicable, this standard is satisfied.

2. All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a planter strip is provided it shall consist of a minimum five-foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City Engineer approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.

**Response:** Commercial Parkway was constructed by the City as part of a capital improvement project. It has a paved section, curbs, underground utilities, street lighting, landscape strips, and concrete sidewalks. This standard is met.

3. Where a range of street width or improvement options is indicated, the City Engineer shall determine requirements based on the advice of a qualified professional and all of the following factors:

- 
- a. Street classification and requirements of the roadway authority, if different than the City’s street classifications and requirements;
  - b. Existing and projected street operations relative to applicable standards;
  - c. Safety of motorists, pedestrians, bicyclists, and South Clackamas Transit District (SCTD) users, including consideration of accident history;
  - d. Convenience and comfort for pedestrians, bicyclists, and SCTD users;
  - e. Provision of on-street parking;
  - f. Placement of utilities;
  - g. Street lighting;
  - h. Slope stability, erosion control, and minimizing cuts and fills;
  - i. Surface water management and storm drainage requirements;
  - j. Emergency vehicles or apparatus and emergency access, including evacuation needs;
  - k. Transitions between varying street widths (i.e., existing streets and new streets); and
  - l. Other factors related to public health, safety, and welfare.

**Response:** Commercial Parkway was constructed by the City as part of a capital improvement project. It has a paved section, curbs, underground utilities, street lighting, landscape strips, and concrete sidewalks. This standard is met.

- D. **Transportation Connectivity and Future Street Plans.** The following standards apply to the creation of new streets:  
(...)

**Response:** This application does not include new streets. These standards are not applicable.

- E. **Engineering Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the current version of the Public Works Design Standards and Transportation System Plan. Where a conflict occurs between this Code and the Public Works Design Standards, the provisions of the Design Standards shall govern.

**Response:** This standard is understood.

- F. **Fire Code Standards.** Where Fire Code standards conflict with City standards, the City shall consult with the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.

**Response:** This application includes sufficient area for emergency vehicles to enter and exit the site. This standard is met.

- G. **Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the City Engineer may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, pursuant to the standards in the Public Works Design Standards and Transportation System Plan.

---

**Response:** The site is not adjacent to an existing right-of-way with a substandard width. This standard is not applicable.

H. **Traffic Calming.** The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

**Response:** This site does not have frontage on roads that may require traffic calming features. Therefore, this standard is not applicable.

I. **Sidewalks, Planter Strips, and Bicycle Lanes.** Except where the City Engineer grants a deferral of public improvements, pursuant to Chapter 17-4.2 or Chapter 17-4.3, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

**Response:** Commercial Parkway was constructed by the City as part of a capital improvement project. It has landscape strips and concrete sidewalks. This standard is met.

J. **Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 300 feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Division IV. Private crossing improvements are subject to review and licensing by the rail service provider.

**Response:** This application does not include streets adjacent to railroad right-of-way. This standard is not applicable.

K. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Molalla or vicinity. Street names shall be submitted to the City for review and approval in consultation with Clackamas County and emergency services.

**Response:** This application does not include new streets. Therefore, this standard is not applicable.

L. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

**Response:** As stated previously, this project does not include new streets. This standard does not apply.

M. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

**Response:** This standard is understood.

N. **Streetlight Standards.** Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, be directed downward, and full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.

---

**Response:** There are existing streetlights on Commercial Parkway; therefore, this project does not include new streetlights. This standard is not applicable.

- O. **Mail Boxes.** Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.

**Response:** This standard is understood.

- P. **Street Cross-Sections.** The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway.

**Response:** This application does not include new streets. Therefore, this standard is not applicable.

17-3.6.040 Sanitary Sewer and Water Service Improvements

- A. **Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the City Engineer where alternate alignment(s) are provided.

**Response:** Necessary utilities are located in Commercial Parkway. This criterion is satisfied.

(...)

17-3.6.050 Storm Drainage and Surface Water Management Facilities

- A. **General Provisions.** The City shall issue a development permit only where adequate provisions for stormwater runoff have been made in conformance with the requirements of the current version of the Public Works Design Standards and Stormwater Master Plan.
- B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- C. **Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions 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.

**Response:** As shown on the Preliminary Plans (Exhibit A), stormwater runoff is planned to be collected and routed into a new stormwater swale and then conveyed to an existing drainage. A Preliminary Stormwater Report (Exhibit D) has been prepared that demonstrates planned improvements conform to the Public Works Design Standard. The Preliminary Stormwater Report further demonstrates that the planned facilities will not negatively impact downstream capacity and are adequate to accommodate existing and future runoff from the upstream drainage area. These criteria are met.

- D. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.

---

**Response:** Sanitary sewer and water mains are located in Commercial Parkway. Oversizing of utilities is not necessary.

- E. Existing Watercourse. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, the City may require a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

**Response:** There is an existing drainage on the site. Easements can be provided if desired by the City. This criterion is met.

17-3.6.060 Utilities

The following standards apply to new development where extension of electric power, gas, or communication lines is required:

- A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

**Response:** The Applicant is aware that coordination with utility providers will be required if existing utilities are extended into the site. This criterion will be met.

- B. Underground Utilities.

- 1. General Requirement. The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Engineer determines that placing utilities underground would adversely impact adjacent land uses. The Planning Official may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.

**Response:** New utilities, as necessary, are planned to be placed underground. This criterion is met.

- 2. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:  
(...)

**Response:** This application involves Site Design Review and a Conditional Use Permit, not a subdivision. Therefore, these criteria are not applicable.

- C. Exception to Undergrounding Requirement. The City Engineer may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

**Response:** As discussed above, new utilities are planned to be placed underground. Exceptions to this requirement are not being sought; therefore, this criterion is not applicable.

17-4.1.040 Type III Procedure (Quasi-Judicial Review—Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

- A. Application Requirements.

- 1. Application Forms. Applications requiring Quasi-Judicial Review shall be made on forms provided by the Planning Official.



---

**Response:** This application includes the required application forms. This submittal requirement is satisfied.

2. Submittal Information. The Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought;
  - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - e. The required fee.
  - f. Comments, if obtained from neighborhood contact per Section 17-4.1.070.

**Response:** The required fee and other required application materials, as applicable, are included with this application. These submittal requirements are satisfied.

17-4.1.070 Neighborhood Contact

- A. Purpose and Applicability. Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than one acre and located adjacent to any residential zone, and property owner-applicants for zone changes, are recommended to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

**Response:** Although this application involves Site Design Review, the subject site is not adjacent to residentially zoned properties. Therefore, this submittal requirement is not applicable.

Chapter 17-4.2 SITE DESIGN REVIEW

17-4.2.030 Review Procedure

Site Design Review shall be conducted using the Type II procedure in Section 17-4.1.030, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 17-4.1.040:

- A. The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual;
- B. The use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area;
- C. The proposal involves a Conditional Use (new or expanded);
- D. The proposal involves a variance under Chapter 17-4.7;
- E. The proposal involves expansion of a nonconforming use; or
- F. The Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

**Response:** This project requires Site Design Review, which is included in this application.

---

17-4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the Planning Official and the City Engineer determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements.

1. Information required for Type II or Type III review, as applicable (see Chapter 17-4.1).

**Response:** Information required by Chapter 17-4.1 has been provided. This submittal requirement is met.

2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 17-3.6.020.A(4).

**Response:** This application involves site improvements for specialty trade contractors that may need one or more temporary portable modular offices in the future. As needed, these structures can be connected to water and sewer lines in the future. The Preliminary Plans and this written narrative demonstrate that public services and facilities are available to serve the project. This standard is satisfied.

B. Site Design Review Information. In addition to the general submission requirements, an applicant for Site Design Review shall provide the following information, as deemed applicable by the Planning Official. The Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. Site Analysis Map. The site analysis map shall contain all the following information, as the Planning Official deems applicable:
  - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
  - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
  - c. Identification of slopes greater than 15 percent, with slope categories identified in five percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
  - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;



- 
- f. Areas subject to overlay zones;
  - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
  - h. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six inches or greater at four feet above grade;
  - i. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and
  - j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

**Response:** The Preliminary Plans (Exhibit A) included in the application materials show the information required above, as applicable. This submittal requirement is met.

- 2. Proposed Site Plan. The site plan shall contain all the following information:
  - a. The proposed development site, including boundaries, dimensions, and gross area;
  - b. Features identified on the existing site analysis maps that are proposed to remain on the site;
  - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
  - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
  - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
  - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - i. Loading and service areas for waste disposal, loading, and delivery;
  - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
  - k. Location, type, and height of outdoor lighting;
  - l. Location of mail boxes, if known;
  - m. Name and address of project designer, if applicable;
  - n. Locations of bus stops and other public or private transportation facilities; and
  - o. Locations, sizes, and types of signs.

---

**Response:** The Preliminary Plans (Exhibit A) included in the application materials show the information required above, as applicable. This submittal requirement is met.

3. **Architectural Drawings.** Architectural drawings shall include, as applicable:
  - a. Building elevations with dimensions;
  - b. Building materials, colors, and type; and
  - c. Name and contact information of the architect or designer.

**Response:** This project involves minor site improvements to a small portion of the site for specialty trade contractors. In the future, this permitted use may have a temporary modular office, but not a new permanent, site-constructed building. Therefore, this submittal requirement is not applicable at this time.

4. **Preliminary Grading Plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 17-3.6.040.

**Response:** A Preliminary Grading and Drainage Plan prepared by a registered professional engineer is included in the Preliminary Plans (Exhibit A). This submittal requirement is met.

5. **Landscape Plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 17-3.4:
  - a. The location and height of existing and proposed fences, buffering, or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and
  - f. Other information as deemed appropriate by the Planning Official. An arborist's report may be required for sites with mature trees that are to be retained and protected.

**Response:** As applicable, the above information is illustrated on the Preliminary Plans included in this application. This submittal requirement is met.

6. **Deed Restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

**Response:** Copies of existing deed restrictions can be required if necessary. This submittal requirement can be met.

7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 17-4.2.050.

---

**Response:** This application includes a written narrative responding to applicable approval criteria of Section 17-4.2.050. This submittal requirement is met.

8. Traffic Impact Analysis, when required by Section 17-3.6.020.A(4).

**Response:** Because the use creates a limited number of vehicular trips, a Transportation Analysis Letter (TAL) is being submitted with the application materials (rather than a TIA). This submittal requirement is being met.

9. Other information determined by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

**Response:** This application includes plans and reports that are sufficient to show compliance with the applicable sections of the Molalla Development Code. This submittal requirement is satisfied.

17-4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Official, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

A. The application is complete, in accordance with Section 17-4.2.040;

**Response:** As discussed in Section 17-4.2.040, this application includes the required submittal materials. This criterion is satisfied.

B. The application complies with all of the applicable provisions of the underlying Zoning District (Division II), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;

**Response:** This application involves an industrial use on property that has a M-2 zoning designation. The provisions of Division II are addressed in this narrative; therefore, this criterion is met.

C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable zoning district standards, pursuant to Chapter 17-1.4 Nonconforming Situations;

**Response:** The property does not have existing nonconforming development as outlined in Chapter 17-1.4. Therefore, this criterion is not applicable.

D. The proposal complies with all of the Development and Design Standards of Division III, as applicable, including, but not limited to:

1. Chapter 17-3.3 Access and Circulation,
2. Chapter 17-3.4 Landscaping, Fences and Walls, Outdoor Lighting,
3. Chapter 17-3.5 Parking and Loading,
4. Chapter 17-3.6 Public Facilities, and

**Response:** This narrative addresses the applicable Development and Design Standards of Division III and demonstrates compliance. This criterion is met.

5. Chapter 17-3.7 Signs;

---

**Response:** Project signage is not included with this application. It is understood that if a sign is desired in the future, a separate sign permit application will be submitted. To the extent applicable, this criterion is met.

- E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and

**Response:** This application involves an industrial use on a property that has a Heavy Industrial (M-2) zoning designation. Impacts to adjacent properties are not anticipated as the use does not create unusual levels of light, glare, noise, odor, vibration, smoke, etc. This criterion is met.

- F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

**Response:** This site does not have existing conditions of approval through a prior land use decision. However, the applicant understands that conditions of approval are likely a part of this review process. Therefore, to the extent applicable, this criterion is met.

#### Chapter 17-4.4 CONDITIONAL USE PERMITS

##### 17-4.4.020 Approvals Process

The Planning Commission using a Type III procedure, per Section 17-4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 17-4.5 Modifications to Approved Plans and Conditions.

**Response:** It is understood that this application will be reviewed through a Type III procedure. It is further understood that future review of the conditional use may be required, and modifications to the conditional use permit will be subject to the provisions of Chapter 17-4.5.

##### 17-4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 17-4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 17-4.2.040 Application Submission Requirements.) An application for a conditional use permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 17-4.4.040.

**Response:** This application satisfies the application submission requirements identified above, as applicable.

##### 17-4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in subsections A and B.

- A. Use Criteria.

- 
1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

**Response:** The site is a suitable size and is appropriately zoned for the planned specialty trade contracting facility. This project occupies but a small portion of the overall property. Since the site is located next to other industrially zoned lands and generally not residential properties, has existing access to Commercial Parkway, and as stated previously does not create the types of impacts described above, this criterion has been considered appropriately.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval;

**Response:** This project involves minor improvements to allow for a small portion of the site to be used for a contractor facility located in an industrial zone/area. Negative impacts to the public are not foreseen; however, fencing and landscaping can be provided strategically, and where appropriate, to screen materials from adjacent right-of-way.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

**Response:** As discussed in Section 17-3.6.040, public facilities are in place to serve the site and this project.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Division II; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**Response:** This application involves site improvements to permit a specialty contractor facility on a property that has a Heavy Industrial (M-2) zoning designation. Pursuant to Section 17-2.2.030, this is an allowed industrial use for properties with a M-2 zoning designation. Prohibited uses and/or variances are not relevant. This criterion is met.

B. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

- 
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
  8. Limiting the number, size, location, height, and/or lighting of signs;
  9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
  10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
  11. Requiring and designating the size, height, location, and/or materials for fences;
  12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
  13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
  14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the Planning Official to issue renewals, who shall do so through a Type I or Type II procedure.

**Response:** The planned facilities are intended to operate during normal business hours. Additionally, this project does not involve large structures, provides sufficient area for vehicle storage and parking, includes a stormwater management facility, and impacts associated with this type of use were contemplated when zoning was applied to this property. To the extent conditions of approval are found to be necessary, they can be implemented through the application review process, as is customary and appropriate.

#### **IV. Conclusion**

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Molalla Development Code. The evidence in the record is substantial and supports approval of the application.

## **Exhibit A: Preliminary Plans**

---

---



# DEANS MOLALLA

## MOLALLA, OREGON

### DESIGN REVIEW



PRELIMINARY  
NOT FOR  
CONSTRUCTION

DEANS

6400 SE 101ST AVE #X4  
PORTLAND, OR

#### GENERAL NOTES

- SURVEY PROVIDED BY S&F LAND SERVICES, DATED 12/15/22. VERTICAL DATUM IS BASED UPON NAVD88 BASED ON GPS OBSERVATIONS. HORIZONTAL DATUM IS BASED UPON THE OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD83 (2011).
- CONSTRUCTION LAYOUT (ALL ACTUAL LINES AND GRADES) SHALL BE STAKED BY A PROFESSIONAL SURVEYOR, REGISTERED IN THE STATE OF OREGON, BASED ON COORDINATES, DIMENSIONS, BEARINGS, AND ELEVATIONS, AS SHOWN, ON THE PLANS.
- PROJECT CONTROL SHALL BE FIELD VERIFIED AND CHECKED FOR RELATIVE HORIZONTAL POSITION PRIOR TO BEGINNING CONSTRUCTION LAYOUT. SEE SHEET C2.0 FOR PROJECT CONTROL INFORMATION.
- PROJECT CONTROL SHALL BE FIELD VERIFIED AND CHECKED FOR RELATIVE VERTICAL POSITION BASED ON THE BENCHMARK STATED HEREON, PRIOR TO BEGINNING CONSTRUCTION LAYOUT.
- WHEN DIMENSIONS AND COORDINATE LOCATIONS ARE REPRESENTED - DIMENSIONS SHALL HOLD OVER COORDINATE LOCATION. NOTIFY THE CIVIL ENGINEER OF RECORD IMMEDIATELY UPON DISCOVERY.
- BUILDING SETBACK DIMENSIONS FROM PROPERTY LINES SHALL HOLD OVER ALL OTHER CALLOUTS. PROPERTY LINES AND ASSOCIATED BUILDING SETBACKS SHALL BE VERIFIED PRIOR TO CONSTRUCTION LAYOUT.
- CONTRACTOR SHALL PRESERVE AND PROTECT FROM DAMAGE ALL EXISTING MONUMENTATION DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND PAYING FOR THE REPLACEMENT OF ANY MONUMENTS DAMAGED OR REMOVED DURING CONSTRUCTION. NEW MONUMENTS SHALL BE REESTABLISHED BY A LICENSED SURVEYOR.
- EXISTING CONDITIONS MAY NOT BE COMPLETE OR ACCURATE. CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.
- ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THESE PLANS, THE PROJECT SPECIFICATIONS AND THE APPLICABLE REQUIREMENTS OF THE 2021 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE 2021 OREGON PLUMBING SPECIALTY CODE AND REQUIREMENTS OF THE CITY OF MOLALLA.
- THE COMPLETED INSTALLATION SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES, ORDINANCES AND REGULATIONS. ALL PERMITS, LICENSES AND INSPECTIONS REQUIRED BY THE GOVERNING AUTHORITIES FOR THE EXECUTION AND COMPLETION OF WORK SHALL BE SECURED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION.
- ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987). EXCAVATORS MUST NOTIFY ALL PERTINENT COMPANIES OR AGENCIES WITH UNDERGROUND UTILITIES IN THE PROJECT AREA AT LEAST 48 BUSINESS-DAY HOURS, BUT NOT MORE THAN 10 BUSINESS DAYS PRIOR TO COMMENCING AN EXCAVATION, SO UTILITIES MAY BE ACCURATELY LOCATED.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE FOR INFORMATION ONLY AND ARE NOT GUARANTEED TO BE COMPLETE OR ACCURATE. CONTRACTOR SHALL VERIFY ELEVATIONS, PIPE SIZE, AND MATERIAL TYPES OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WITH CONSTRUCTION AND SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF FROELICH ENGINEERS, 72 HOURS PRIOR TO START OF CONSTRUCTION TO PREVENT GRADE AND ALIGNMENT CONFLICTS.
- THE ENGINEER OR OWNER IS NOT RESPONSIBLE FOR THE SAFETY OF THE CONTRACTOR OR HIS CREW. ALL O.S.H.A. REGULATIONS SHALL BE STRICTLY ADHERED TO IN THE PERFORMANCE OF THE WORK.
- TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IMPLEMENTED. THE CONTRACTOR SHALL ADHERE TO CITY OF MOLALLA FOR MINIMUM EROSION CONTROL MEASURES. THE ESC FACILITIES SHOWN IN THESE PLANS ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT LEAVE THE SITE.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL ROADWAYS, KEEPING THEM CLEAN AND FREE OF CONSTRUCTION MATERIALS AND DEBRIS, AND PROVIDING DUST CONTROL AS REQUIRED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND SCHEDULING ALL WORK WITH THE OWNER.
- NOTIFY CITY INSPECTOR 72 HOURS BEFORE STARTING WORK.

#### MATERIAL NOTES

- GENERAL: MATERIALS SHALL BE NEW. THE USE OF MANUFACTURER'S NAMES, MODELS, AND NUMBERS IS INTENDED TO ESTABLISH STYLE, QUALITY, APPEARANCE, AND USEFULNESS. PROPOSED SUBSTITUTIONS WILL REQUIRE WRITTEN APPROVAL FROM ENGINEER PRIOR TO INSTALLATION.
- SUBMITTAL: CONTRACTOR SHALL PROVIDE PRODUCT DATA FOR EACH PRODUCT:
  - AGGREGATE
  - CONCRETE
  - WHEEL STOPS

#### CONSTRUCTION NOTES

##### GENERAL

- SUBGRADE AND TRENCH BACKFILL SHALL BE COMPACTED TO AT LEAST 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557. FLOODING OR JETTING THE BACKFILLED TRENCHES WITH WATER IS NOT PERMITTED.
- SPECIAL INSPECTION REQUIRED FOR ALL COMPACTION TESTING.

##### DEMOLITION

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION AND DISPOSAL OF EXISTING AC, CURBS, SIDEWALKS AND OTHER SITE ELEMENTS WITHIN THE SITE AREA IDENTIFIED IN THE PLANS. DISPOSE OF DEMOLISHED ITEMS OFF-SITE IN A LEGAL MANNER.
- EXCEPT FOR MATERIALS INDICATED TO BE STOCKPILED OR TO REMAIN ON OWNER'S PROPERTY, CLEARED MATERIALS SHALL BECOME CONTRACTOR'S PROPERTY, REMOVED FROM THE SITE, AND DISPOSED OF PROPERLY.
- ITEMS INDICATED TO BE SALVAGED SHALL BE CAREFULLY REMOVED AND STORED AT THE PROJECT SITE AS DIRECTED BY THE OWNER.
- ALL LANDSCAPING, PAVEMENT, CURBS AND SIDEWALKS, BEYOND THE IDENTIFIED SITE AREA, DAMAGED DURING THE CONSTRUCTION SHALL BE REPLACED TO THEIR ORIGINAL CONDITION OR BETTER.
- CONCRETE SIDEWALKS SHOWN FOR DEMOLITION SHALL BE REMOVED TO THE NEAREST EXISTING CONSTRUCTION JOINT.
- SAWCUT STRAIGHT MATCHLINES TO CREATE A BUTT JOINT BETWEEN THE EXISTING AND NEW PAVEMENT.

##### GRADING

- ALL SURFACES SHALL HAVE MINIMUM 1.5% SLOPE UNLESS OTHERWISE NOTED ON PLANS. ALL SURFACES SHALL MEET EXISTING GRADES SMOOTHLY AND EVENLY AND MAINTAIN CONSTANT SLOPES UNLESS OTHERWISE NOTED ON PLANS.
- CONTRACTOR IS RESPONSIBLE FOR MAINTAINING EXISTING SITE AND DRAINAGE PATTERNS AND PROTECTION OF EXISTING ENGINEERED DRAINAGE FACILITIES EXCEPT AS PROVIDED IN THESE DRAWINGS.
- CONTRACTOR SHALL EXERCISE EXTREME CAUTION WHEN WORKING IN AREAS ADJACENT TO EXISTING TREES IN ORDER TO MINIMIZE DISTURBANCE TO TREE ROOTS. CONTRACTOR SHALL INSTALL TREE PROTECTION FENCING AS INDICATED ON PLANS OR DRIP-LINE OF EXISTING TREES. NO PARKING VEHICLES UNDER TREES.

##### UTILITIES

- ADJUST ALL INCIDENTAL STRUCTURES, MANHOLES, VALVE BOXES, CATCH BASINS, FRAMES AND COVERS, ETC. TO FINISHED GRADE.
- CONTRACTOR SHALL ADJUST ALL EXISTING AND/OR NEW FLEXIBLE UTILITIES (WATER, TV, TELEPHONE, ELEC., ETC.) TO CLEAR ANY EXISTING OR NEW GRAVITY DRAIN UTILITIES (STORM DRAIN, SANITARY SEWER, ETC.) IF CONFLICT OCCURS.
- CONTRACTOR SHALL COORDINATE WITH PRIVATE UTILITY COMPANIES FOR THE INSTALLATION OF OR ADJUSTMENT TO GAS, ELECTRICAL, POWER AND TELEPHONE SERVICE.
- BEFORE BACKFILLING ANY SUBGRADE UTILITY IMPROVEMENTS CONTRACTOR SHALL SURVEY AND RECORD MEASUREMENTS OF EXACT LOCATION AND DEPTH AND SUBMIT TO ENGINEER AND OWNER.

##### STORM AND SANITARY

- CONNECTIONS TO EXISTING STORM AND SANITARY SEWERS SHALL CONFORM TO THE 2021 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, SECTION 00490, "WORK ON EXISTING SEWERS AND STRUCTURES".
- BEGIN LAYING STORM DRAIN AND SANITARY SEWER PIPE AT THE LOW POINT OF THE SYSTEM, TRUE TO GRADE AND ALIGNMENT INDICATED WITH UNBROKEN CONTINUITY OF INVERT. THE CONTRACTOR SHALL ESTABLISH LINE AND GRADE FOR THE STORM AND SANITARY SEWER PIPE USING A LASER.
- ALL ROOF DRAIN AND CATCH BASIN LEADERS SHALL HAVE A MINIMUM SLOPE OF 2 PERCENT UNLESS NOTED OTHERWISE IN THE PLANS.

##### EARTHWORK

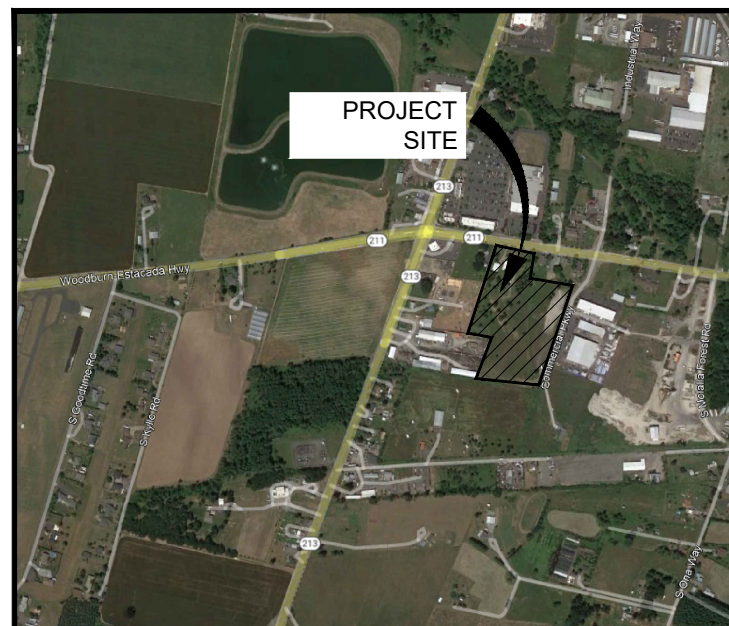
- CONTRACTOR SHALL PREVENT SEDIMENTS AND SEDIMENT LADEN WATER FROM ENTERING THE STORM DRAINAGE SYSTEM.
- FLOODING OR JETTING THE BACKFILLED TRENCHES WITH WATER WILL NOT BE PERMITTED.
- FILL MATERIAL: SHALL MEET ODOT 0030.12 BORROW MATERIAL.
- TRENCH BACKFILL: SHALL MEET ODOT 3/4"-0 CRUSHED ROCK.
- BASE COURSE: SHALL MEET ODOT 3/4"-0 CRUSHED ROCK.
- DRAINAGE ROCK: SHALL BE 3/4" TO 2-1/2" WASHED DRAIN ROCK.
- COMPACTION AND LIFTS: AT LEAST 95% OF THE MAXIMUM DRY DENSITY OBTAINED BY MODIFIED PROCTOR (ASTM D-1557) OR EQUIVALENT. HORIZONTAL LIFTS TO NOT EXCEED 8 INCHES USING STANDARD COMPACTION EQUIPMENT.
- NONWOVER GEOTEXTILE - MIRAFI 140N, OR APPROVED EQUIVALENT

#### LEGEND

PROPOSED	DESCRIPTION	EXISTING
---	PROPERTY LINE	---
---	RIGHT OF WAY	---
---	EASEMENT LINE	---
---	CENTERLINE	---
---	SIDEWALK/CONCRETE	---
---	CURB	---
---	EDGE OF ASPHALT	---
---	GRADE BREAK	---
---	SAWCUT	---
---	MAJOR CONTOUR	---
---	MINOR CONTOUR	---
---	STORM DRAIN	---
---	SANITARY SEWER	---
---	FIBEROPTICS	---
---	POWER	---
---	GAS MAIN	---
---	SWALE FLOWLINE	---
---	OVERHEAD UTILITY	---
---	CYCLONE FENCE, UNO	---
---	WOOD FENCE	---
---	FENCELINE	---
---	GUARDRAIL	---
---	CATCH BASIN	---
---	UTILITY POLE	---
---	LIGHT POLE	---
---	JUNCTION BOX	---
---	CLEANOUT (COTG)	---
---	MANHOLE	---
---	WATER METER	---
---	FIRE HYDRANT	---
---	FDC	---
---	GAS VALVE	---
---	GAS METER	---
---	SIGN	---
---	TREE	---
---	AC PAVEMENT	---
---	SCORING PATTERN	---
---	LANDSCAPE AREA	---

#### ABBREVIATIONS

AC	ASPHALT CONCRETE	OVH/OH	OVERHEAD
AD	AREA DRAIN	PIL	PROPERTY LINE
APPROX	APPROXIMATE	PC	POINT OF CURVATURE
B	BOLLARD	PCC	POINT OF COMPOUND CURVATURE
BLDG	BUILDING	PCR	POINT OF CURB RETURN
BOW	BACK OF WALK	PED	PEDESTRIAN
BS	BOTTOM OF SWALE	PIV	POST INDICATOR VALVE
BW	BOTTOM OF STAIR	PM	PARKING METER
CB	BOTTOM OF WALL	POC	POINT ON CURVE
CL	CATCH BASIN	PP	POWER POLE
CMP	CENTERLINE	PRC	POINT OF REVERSE CURVATURE
CMU	CORRUGATED METAL PIPE	PT	POINT OF TANGENT
CO	CONCRETE MASONRY UNIT	P.U.E	PUBLIC UTILITY EASEMENT
CONC.	CLEANOUT	PVC	POLYVINYL CHLORIDE
COTG	CONCRETE	PVMT	PAVEMENT
CP	CLEANOUT TO GRADE	PVT	PRIVATE
Δ	CONTROL POINT	R	RIM
D	DELTA	RD	ROOF DRAIN
DW	DRIVEWAY	R.O.W	RIGHT-OF-WAY
DIA, Ø	DIAMETER	S	SLOPE (FT/FT)
DIP	DUCTILE IRON PIPE	SD	STORM DRAIN
E	EASTING	SDMH	STORM DRAIN MANHOLE
EXIST./EX	EXISTING	SHT	SHEET
FDC	FIRE DEPARTMENT CONNECTION	SS	SANITARY SEWER
FF	FINISH FLOOR ELEVATION	SSMH	SANITARY SEWER MANHOLE
FG	FINISH GRADE	ST	STREET
FH	FIRE HYDRANT	STA	STATION
FL	FLOWLINE	STD	STANDARD
FND	FOUNDATION	S/W	SIDEWALK
G	GUTTER	TC	TOP OF CURB
GB	GRADE BREAK	TD	TRENCH DRAIN
GL	GAS LINE	TG	TOP OF GROUND
GV	GATE VALVE	TP	TOP OF PAVEMENT
H	HEIGHT	TRANS.	TRANSFORMER
HCP	HANDICAP PARKING SPACE	TS	TOP OF STAIR
HP	HIGH POINT	TW	TOP OF WALL
ID	INSIDE DIAMETER	TYP	TOP OF WALK
IE	INVERT ELEVATION	UG	TYPICAL UNDERGROUND
INV	INVERT	UGE	UNDERGROUND ELECTRIC
IRR.	IRRIGATION	W	WATER
LP	LIGHT POLE	W	WITH
MH	MANHOLE	WCR	WHEEL CHAIR RAMP
MIN	MINIMUM	WM	WATER METER
N	NORTHING	WV	WATER VALVE
O.D	OUTSIDE DIAMETER		
OF	OUTFALL		



#### VICINITY MAP

MAP FROM: GOOGLE EARTH®

#### PROJECT CONTACTS

**OWNER:**  
DEANS  
6400 SE 101ST AVE #X4  
PORTLAND, OREGON 97266  
TEL: 503-281-1637  
CONTACT: NIGEL DEAN

**CIVIL ENGINEER:**  
FROELICH ENGINEERS, INC.  
17700 SW UPPER BOONES FERRY RD, STE #115  
PORTLAND, OREGON 97224  
TEL: 503-624-7005  
CONTACT: EVAN EYKELBOSCH, PE

#### PROJECT INFORMATION

CONSTRUCT GRAVEL STORAGE YARD

#### SHEET INDEX

SHEET NUMBER	SHEET DESCRIPTION
C1.0	COVER SHEET
C1.1	EXISTING CONDITIONS
C2.0	SITE PLAN
C3.0	GRADING AND DRAINAGE PLAN
C4.0	DETAILS
C5.0	EROSION CONTROL PLAN
C5.1	EROSION CONTROL DETAILS

**NOTICE TO EXCAVATORS:**  
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.  
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**

Call the Oregon One-Call Center  
1-800-332-2344

REV DATE ISSUE TITLE

PROJECT MANAGER: EME  
DESIGNER: BLU  
DRAWN BY: EME  
PROJECT NO: 20-C024A  
DATE: 11/17/23  
SCALE: AS SHOWN

SHEET TITLE:  
COVER SHEET

SHEET NUMBER:

C1.0

DESIGN REVIEW





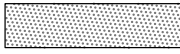






PROPERTY AREA = 10.97 AC  
 WITHIN PROJECT LIMITS:  
 TOTAL PROJECT AREA = 1.90 AC  
 DISTURBED AREA = 0.99 AC  
 EXISTING GRAVEL REMAINING = 0.81 AC  
 PROPOSED GRAVEL = 0.47 AC  
 PROPOSED ASPHALT = 0.24 AC

**NOTES**

1. THIS PORTION OF THE PROPERTY IS PLANNED TO BE IMPROVED AS SHOWN TO PROVIDE FOR USE BY SPECIALTY TRADE CONTRACTORS AS DESCRIBED IN THE APPLICATION WRITTEN NARRATIVE.
2. ONE OR MORE OF THE PERMITTED USES MAY OR MAY NOT HAVE A TEMPORARY MODULAR BUILDING WITH ADJACENT PARKING SPACES.
3. IF A TEMPORARY MODULAR BUILDING IS PLACED, IT CAN BE CONNECTED TO PUBLIC WATER AND/OR SEWER.

**SHEET LEGEND**

-  PROPERTY LINE
-  WETLAND BOUNDARY
-  ASPHALT PAVEMENT
-  LANDSCAPE
-  CRUSHED ROCK
-  EXISTING GRAVEL
-  CONCRETE PAVEMENT



PRELIMINARY  
NOT FOR  
CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

**DESIGN REVIEW**

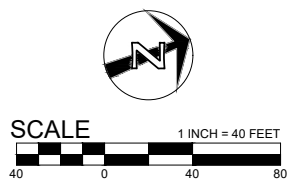
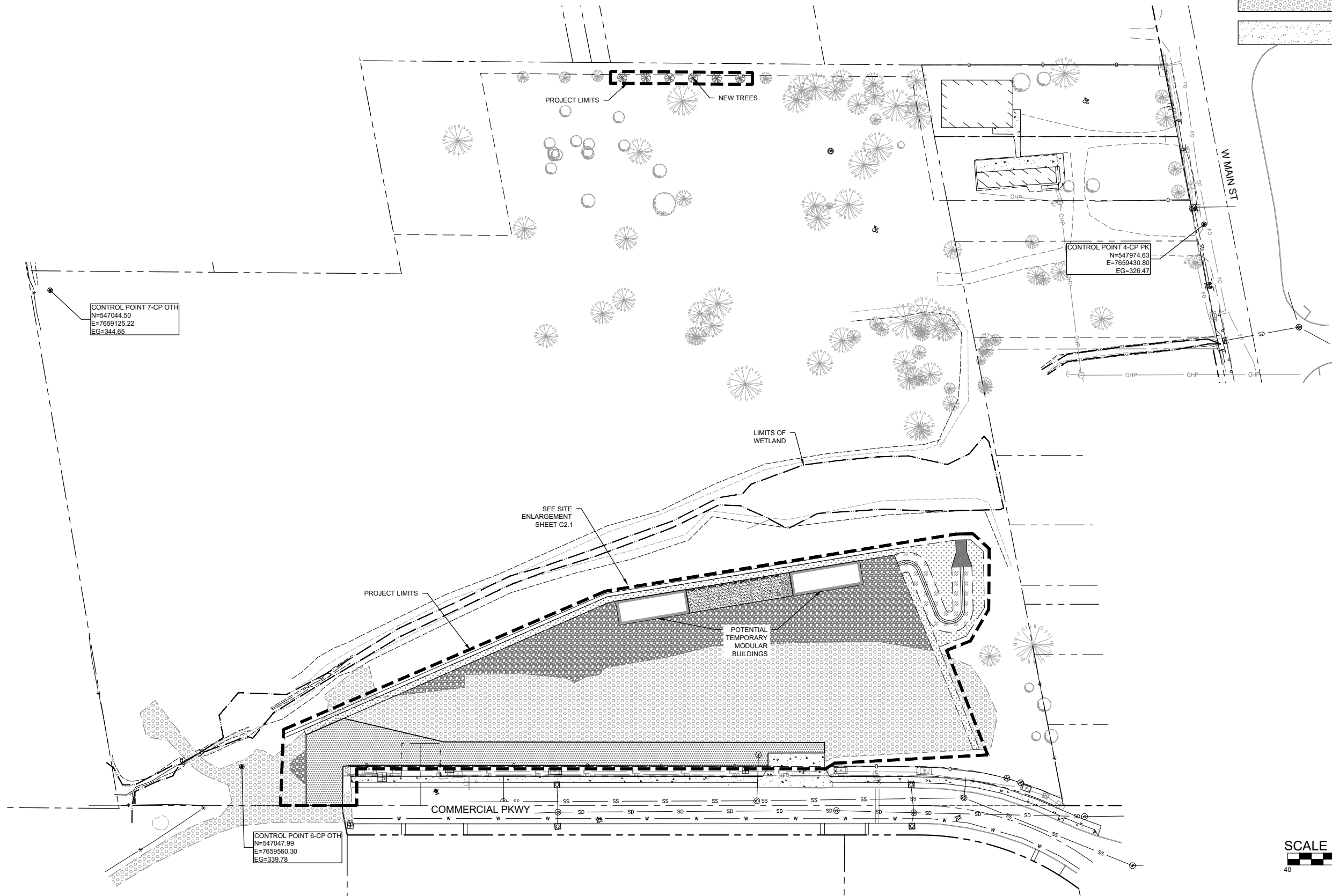
REV DATE	ISSUE TITLE

PROJECT MANAGER: EME  
 DESIGNER: BLU  
 DRAWN BY: EEEKELBOSCH  
 PROJECT NO: 20-C024AA  
 DATE: 11/17/23  
 SCALE: AS SHOWN

SHEET TITLE:  
**OVERALL SITE PLAN**

SHEET NUMBER:  
**C2.0**

DESIGN REVIEW



Plot File: P:\2020\20-C024 (Dean Innovations)\300 Document Development - Froelich\302 CAD - Phase 1\PL0120-C024\_C200\_SITE.dwg TAB C2.0  
 Plotted: 11/17/23 at 1:57pm By: eeykelbosch

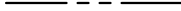

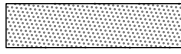




**SHEET NOTES**

1. ALL DIMENSIONS ARE TO GRADE BREAK LOCATION.

**KEY NOTES**

- 1 18" WELL GRADED CRUSHED ROCK WITH BI-AXIAL GEOGRID (MIRAFI BXG110 OR APPROVED EQUAL) OVER COMPACTED SUBGRADE. SEE 1/C4.0
- 2 OUTFALL. SEE 3/C4.0
- 3 BIOFILTRATION SWALE. SEE 2/C4.0
- 4 BERM. SEE 4/C4.0
- 5 EXISTING GRAVEL SURFACE
- 6 ASPHALT PAVEMENT. SEE 5/C4.0
- 7 CONCRETE PAVEMENT. SEE DETAIL 6/C4.
- 8 VAN ADA PARKING STALL. SEE 7/C4.0

**SHEET LEGEND**

-  PROPERTY LINE
-  WETLAND BOUNDARY
-  ASPHALT PAVEMENT
-  LANDSCAPE
-  CRUSHED ROCK
-  EXISTING GRAVEL
-  CONCRETE PAVEMENT



PRELIMINARY  
NOT FOR  
CONSTRUCTION

DEANS

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

DESIGN  
REVIEW

REV DATE	ISSUE TITLE

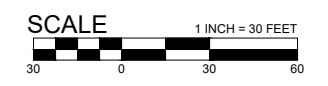
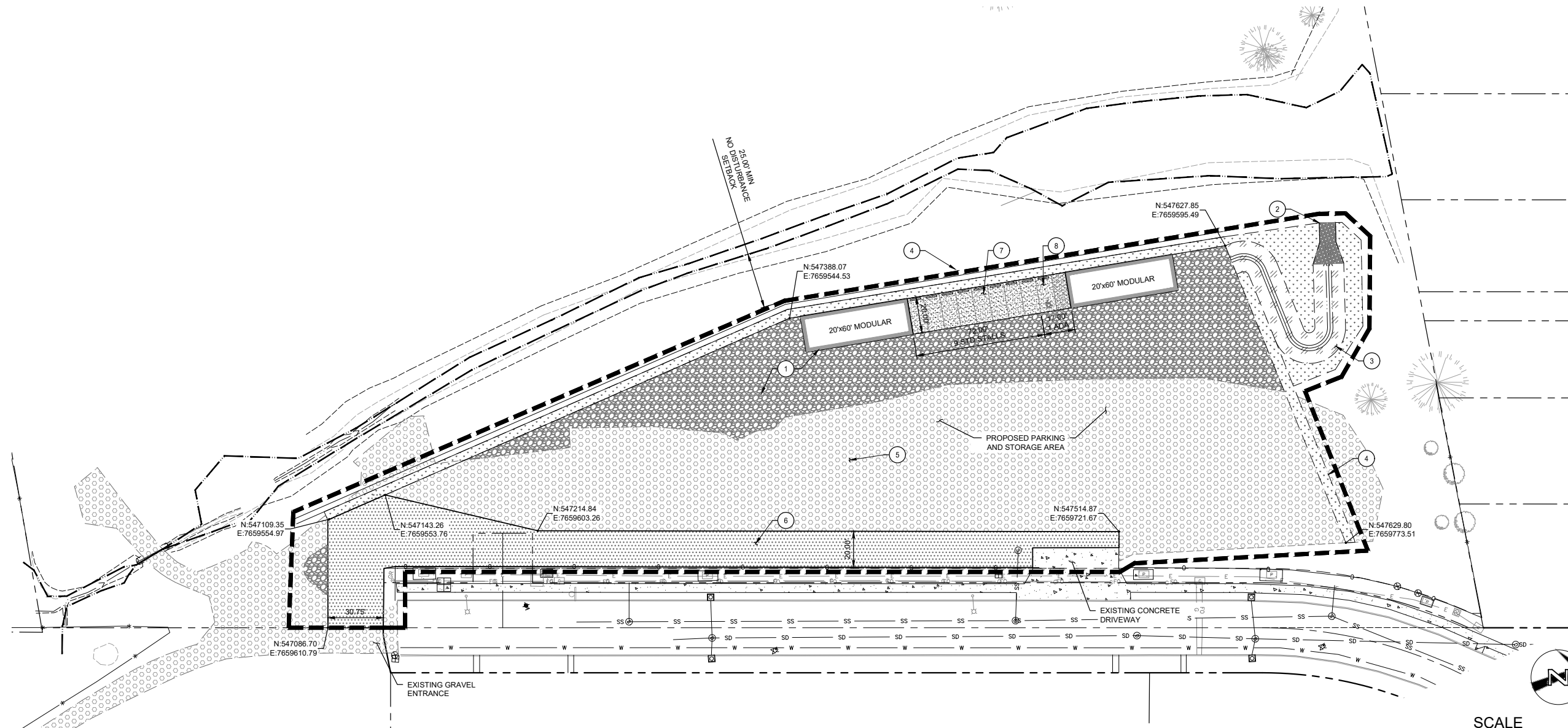
PROJECT MANAGER: EME  
DESIGNER: BLU  
DRAWN BY: EYKELBOSCH  
PROJECT NO: 20-C024AA  
DATE: 11/17/23  
SCALE: AS SHOWN

SHEET TITLE:  
SITE  
ENLARGEMENT  
PLAN

SHEET NUMBER:

C2.1

DESIGN REVIEW



\\nas-fs1-p1-02020-C024 (Deans Innovations)300 Document Development - Froelich\302 CAD - Phase 1\PL0120-C024\_C200\_SITE.dwg TAB C2.1  
Plotted: 11/17/23 at 1:57pm By: eeykelbosch



PRELIMINARY  
NOT FOR  
CONSTRUCTION

DEANS

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

DESIGN  
REVIEW

REV DATE	ISSUE TITLE

PROJECT MANAGER: EME  
DESIGNER: BLU  
DRAWN BY: EYEKELBOSCH  
PROJECT NO: 20-C024AA  
DATE: 11/17/23  
SCALE: AS SHOWN

SHEET TITLE:  
GRADING AND  
DRAINAGE  
PLAN

SHEET NUMBER:

**C3.0**

DESIGN REVIEW

**GRADING NOTES**

- SLOPES PROVIDED ON SLOPE ARROW ARE FOR REFERENCE ONLY.
- MATCH GRADE AT EXISTING FENCE LINE ALONG COMMERCIAL PKWY FRONTAGE.

**UTILITY NOTES**

- STRUCTURES LOCATIONS ARE BASED ON CENTER OF STRUCTURE.

**GRADING LABEL LEGEND**

CALLOUT	DESCRIPTION
X.X%	GRADING SLOPE AND DIRECTION (DOWNHILL)
XX.XX	SPOT ELEVATION
XX.XX XX	DESCRIPTION LISTED BELOW. NO DESCRIPTION MEANS TP OR TG
EG	EXISTING GRADE
TG	TOP OF GROUND

**UTILITY LABEL LEGEND**

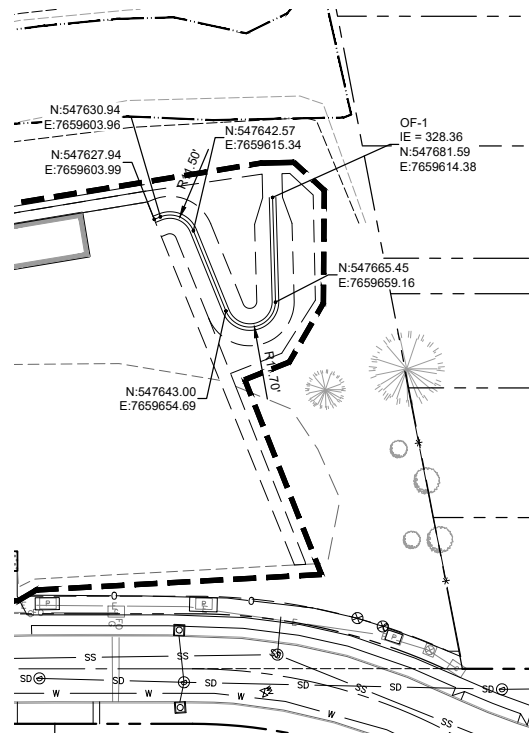
STRUCTURE LABEL	DESCRIPTION
XX XX-XX	UTILITY TYPE (SD=STORM DRAINAGE, SS=SANITARY SEWER, W=WATER, FP=FIRE PROTECTION)
XX XX-XX	STRUCTURE TYPE CALLOUT
XX XX-XX	ID NUMBER (WHERE APPLICABLE)
XX XX-XX	LOCATION (WHERE APPLICABLE)

**STRUCTURE TYPE**

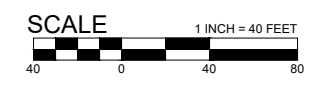
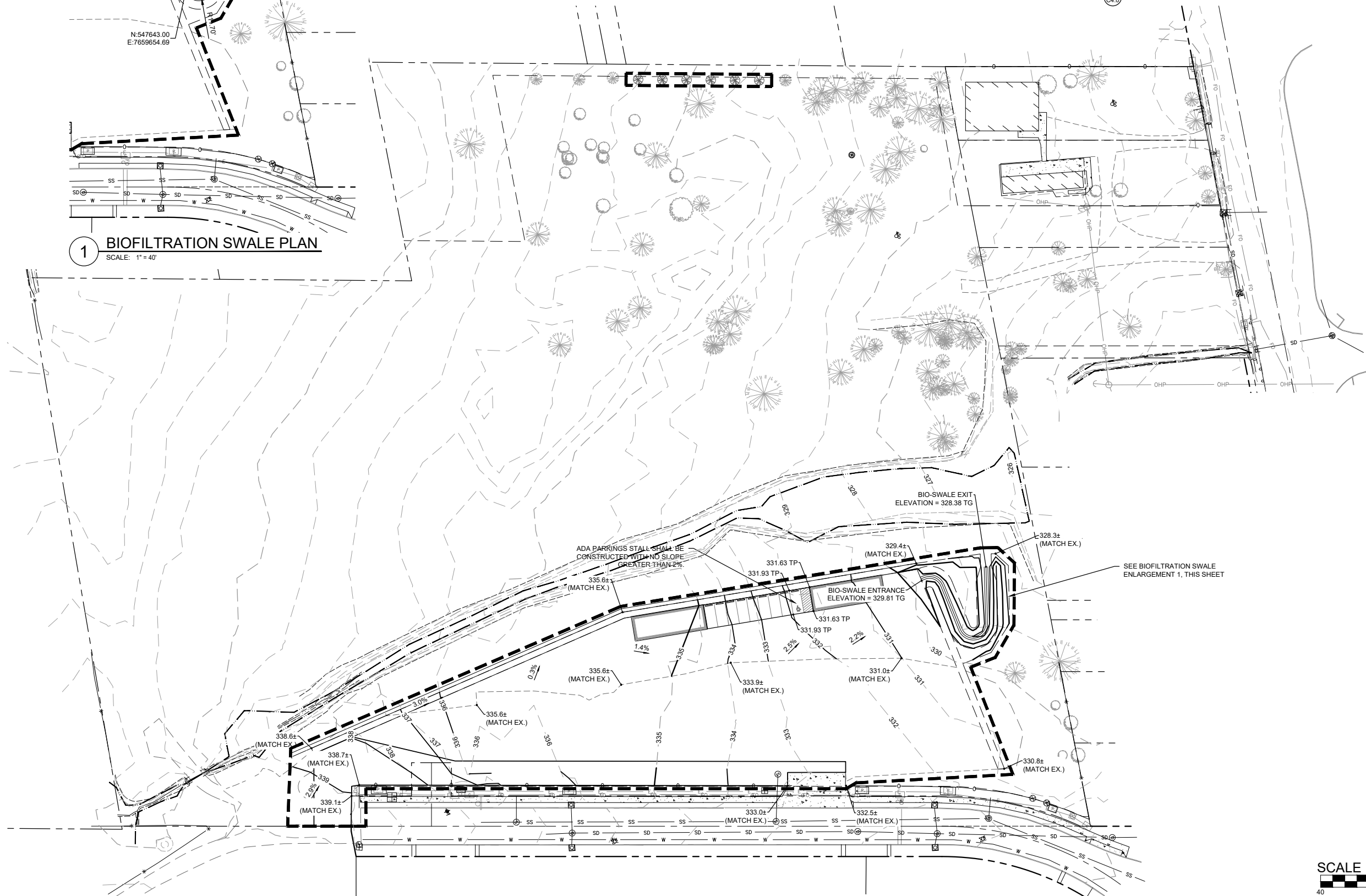
CALLOUT	DESCRIPTION	DETAIL REF.
OF	OUTFALL	(3) (C4.0)

**GRADING LEGEND**

	DRAINAGE FLOW DIRECTION
	GRADE BREAK
49	EX. CONTOUR MINOR
50	EX. CONTOUR MAJOR
49	CONTOUR MINOR (FG)
50	CONTOUR MAJOR (FG)



**1 BIOFILTRATION SWALE PLAN**  
SCALE: 1" = 40'





**SHEET LEGEND**

- PROPERTY LINE
- - - 49 EX. CONTOUR MINOR
- - - 50 EX. CONTOUR MAJOR
- 49 PROP. CONTOUR MINOR
- 50 PROP. CONTOUR MAJOR
- — — EXTENT OF WORK

- SEDIMENT CONTROL FENCE  
PLACE AT PROPERTY LINES,  
UNO (SHOWN OFFSET FOR  
CLARITY).
- INLET PROTECTION
- DRAINAGE FLOW DIRECTION
- CONSTRUCTION ENTRANCE



PRELIMINARY  
NOT FOR  
CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

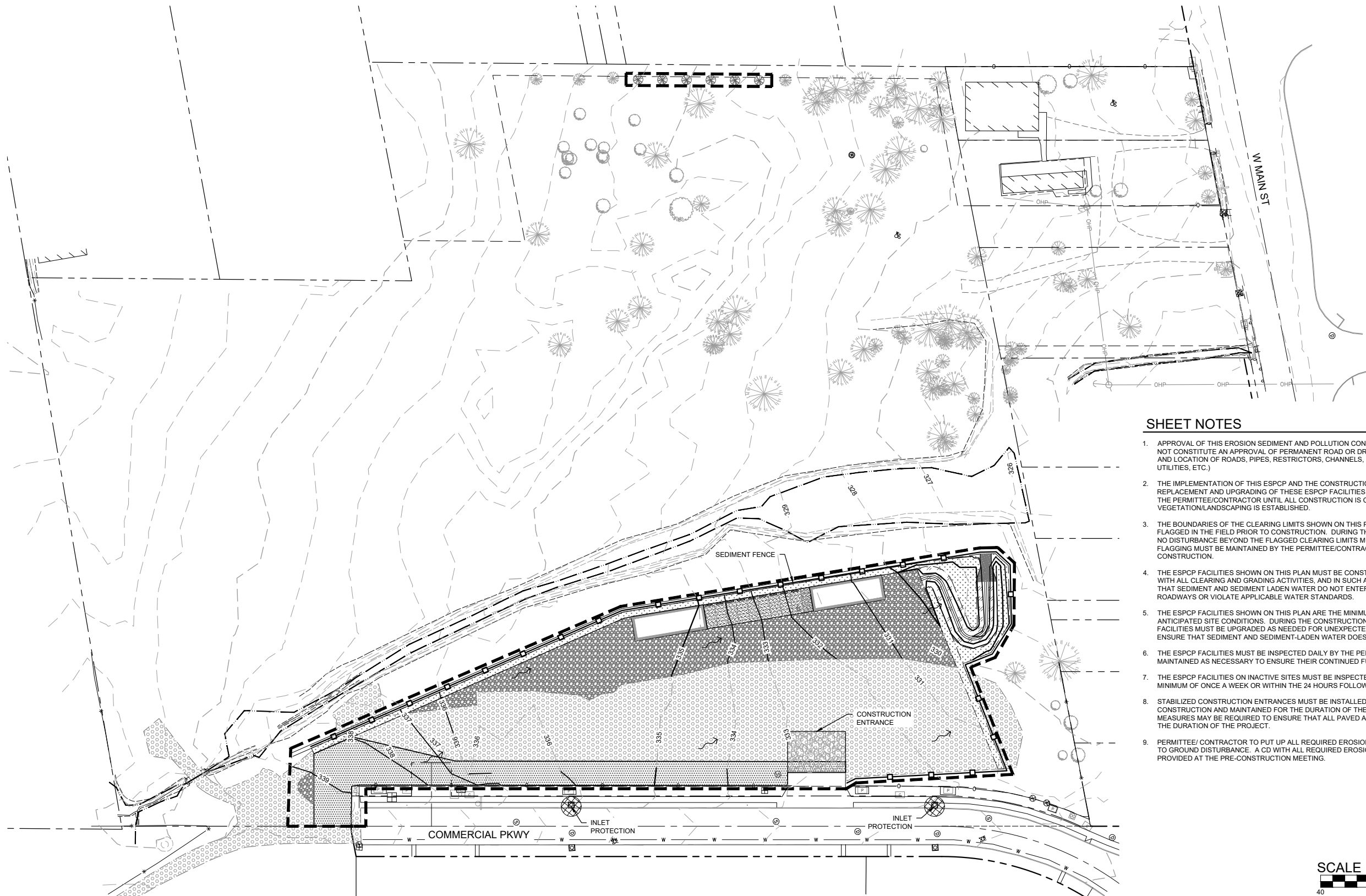
DESIGN  
REVIEW

REV DATE	ISSUE TITLE
PROJECT MANAGER:	EME
DESIGNER:	BLU
DRAWN BY:	EYKELBOSCH
PROJECT NO.:	20-C024AA
DATE:	11/17/23
SCALE:	AS SHOWN

SHEET TITLE:  
**EROSION  
CONTROL PLAN**

SHEET NUMBER:  
**C5.0**

DESIGN REVIEW



**SHEET NOTES**

- APPROVAL OF THIS EROSION SEDIMENT AND POLLUTION CONTROL PLAN (ESPCP) DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.)
- THE IMPLEMENTATION OF THIS ESPCP AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND UPGRADING OF THESE ESPCP FACILITIES IS THE RESPONSIBILITY OF THE PERMITTEE/CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED, VEGETATION/LANDSCAPING IS ESTABLISHED.
- THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN MUST BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS MUST BE PERMITTED. THE FLAGGING MUST BE MAINTAINED BY THE PERMITTEE/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- THE ESPCP FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM ROADWAYS OR VIOLATE APPLICABLE WATER STANDARDS.
- THE ESPCP FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESPCP FACILITIES MUST BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS, AND TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DOES NOT LEAVE THE SITE.
- THE ESPCP FACILITIES MUST BE INSPECTED DAILY BY THE PERMITTEE/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- THE ESPCP FACILITIES ON INACTIVE SITES MUST BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A WEEK OR WITHIN THE 24 HOURS FOLLOWING A STORM EVENT.
- STABILIZED CONSTRUCTION ENTRANCES MUST BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
- PERMITTEE/ CONTRACTOR TO PUT UP ALL REQUIRED EROSION CONTROL SIGNAGE PRIOR TO GROUND DISTURBANCE. A CD WITH ALL REQUIRED EROSION CONTROL SIGNS WILL BE PROVIDED AT THE PRE-CONSTRUCTION MEETING.

\\nas-fs1-01\p1302020-C024 (Dean Innovations)\300 Document Development - Froelich\302 CAD - Phase 1\PL0120-C024\_C500\_ESPC.dwg TAB C5.0  
Plotted: 11/17/23 at 1:57pm By: eeykelbosch





## **Exhibit B: City Land Use Application Form**

---

---





**Community Development Department**

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

**LAND USE ACTION APPLICATION**

**Type of land use action requested (more than one may apply)**

Annexation:	_____	Conditional Use:	<input checked="" type="checkbox"/>
Zone Change:	_____	Partition:	_____
Comp Plan Amendment:	_____	Site Design Review:	<input checked="" type="checkbox"/>
Master Plan Development:	_____	Variance:	_____
Subdivision:	_____	Other:	_____

**Applicant information**

Name: Dean Leasing, LLC Phone: Please contact Applicant's Consultant

Mailing Address: 1100 SW Sixth Avenue, Suite 1600

City: Portland State: OR Zip: 97204

Email: Please contact Applicant's Consultant

**Owner Information**

Name: Dean Leasing, LLC Phone: Please contact Applicant's Consultant

Mailing Address: 7421 SE 35th Avenue

City: Portland State: OR Zip: 97202

Email: Please contact Applicant's Consultant

**Property Information**

Site address: \_\_\_\_\_

Zoning district: \_\_\_\_\_ Overlay: \_\_\_\_\_ Tax lot # \_\_\_\_\_

Tax Account Number(s): \_\_\_\_\_ T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_

Property dimensions: \_\_\_\_\_ Property acreage: \_\_\_\_\_

Surrounding property uses; North: \_\_\_\_\_ South: \_\_\_\_\_ East: \_\_\_\_\_

West: \_\_\_\_\_ Topography: \_\_\_\_\_

Applicant's Consultant - AKS Engineering & Forestry, LLC  
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
 Contact: Chris Goodell | (503) 563-6151 | [chrisg@aks-eng.com](mailto:chrisg@aks-eng.com)

**Project Information**

Description of Proposal: Site Design Review and Conditional Use Permit for leased contractor space(s)

Describe all existing buildings or structures on property: N/A

Prior Use: N/A

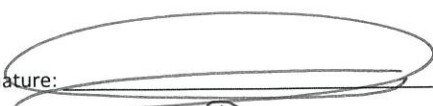
Current Use: Contractor space

Proposed Use: Leased contractor space(s)

City Utilities Impacted: Water:  Sewer:  Stormwater:  None:

**Site Plan(s) and Documents Required**

- 1. Ownership documents if different than Clackamas County CMAP property information.
- 2. Provide All Easements, Covenants, Conditions, Restrictions, and Encumbrances on the property – Attach to this form.
- 3. Provide Elevation profiles meeting architectural standards of MCC 17-3.2.030 (D)
- 4. If your project is subservient to a prior project(s) please provide:
  - Planning File Number(s): N/A
  - Subdivision name/date approved: N/A
  - Special Planning Permits (attach): Conditional Use/Variance/Other: N/A
  - Planning Conditions of Approval (attach)
- 5. Site/Plot Plan
  - Plot Plan Requirements
    - Applicant’s name and address.
    - Legal description of the property (Township, Range, Section and Tax Lot).
    - SITE PLAN MUST INCLUDE DIMENSIONS OF ALL EXISTING AND PROPOSED STRUCTURES, PROPERTY LINES, SETBACKS, AND DRIVEWAYS.
    - Direction of North.
    - Driveway location and location of adjacent streets.
    - Proposed and existing structures.
    - Location of any existing wells on the property.
    - Walkways, patios, patio slabs, and mechanical units (e.g. air conditioning unit)
    - Location of existing and proposed utility connections.
    - Approximate ground slope and direction of the slope.
    - Property Lines.
    - Position of all creeks, streams, ponds, springs, or other drainageways.
    - Relative elevations (1) At lot corners or construction area, and (2) At building site.
    - Existing and proposed easements.
    - All streets abutting the property.
    - All existing and proposed site features must be included and labeled as such.
    - You must also indicate what is proposed to remain and what is proposed to be removed.

Owner's Signature:  Date: 10/19/23

Printed Name: Nigel Dean Date: 10/19/23

## **Exhibit C: Alternative Design Request**

---

---

August 2, 2023

Sam Miller  
Senior Engineering Technician  
City of Molalla  
117 N Molalla Avenue  
Molalla, OR 97038

**RE: Commercial Parkway Alternative Design**

Dear Sam:

**Background/Overview**

Deans Innovations is submitting an application to the City of Molalla for Site Design Review and a Conditional Use Permit involving their property located west of Commercial Parkway (Tax Lot 1700 of 5 2 E 07D) and the subject site has frontage on Commercial Parkway. Commercial Parkway was constructed by the City after an agreement was reached with the prior property owner who dedicated a portion of their property for the requested right-of-way.

Commercial Parkway is a fully improved roadway in that it is paved with an asphaltic concrete surface (29 feet in width) , standard concrete curbs and gutters, 4.5-foot-wide landscape planter strips, 5-foot-wide sidewalks, underground utilities, and streetlights within a 50-foot right-of-way.

Commercial Parkway is shown on Figure 8 of the City of Molalla Transportation System Plan (TSP) to be a Neighborhood Street. Pursuant to the current TSP and City of Molalla Public Works Standards, Neighborhood Streets are to include two 11-foot-wide travel lanes and 7-foot-wide parking on both sides within a 36-foot-wide roadway. In addition to the above, the right-of-way should include 6-foot-wide sidewalks on each side, and 1-foot-wide curb and gutter on each side and the total right-of-way for Neighborhood Streets is shown to be 50 feet. It appears as though either the functional classification or City standard has changed since Commercial Parkway was completed or it was built to a different standard.

The alternative roadway design that is being requested is to essentially permit Commercial Parkway to remain as it was built by the City (as it currently exists today). This includes its 29' paved section and 4.5-foot-wide landscape planter strips, and 5-foot-wide sidewalks.

Section 2.12 of the 2017 Molalla Standard Specifications for Public Works Standards provides for the ability to have alternative roadway design standards.

As previously stated, these are existing street improvements that were installed by the City along the site's frontage presumably utilizing the standards that were in place at the time of construction. Removing and replacing the existing road improvements, underground utilities and vaults, and streetlights would be wasteful, a poor use of fiscal resources, and could not be supported by applicant's landscape supply business, especially when Commercial Parkway is completely improved and fully functional as-is.

We appreciate your time and consideration of this request. If you have any questions or need anything else, please let us know.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**

A handwritten signature in black ink, appearing to read "Chris Goodell".

Chris Goodell, AICP, LEED<sup>AP</sup> – Principal  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151 | [chrisg@aks-eng.com](mailto:chrisg@aks-eng.com)

## **Exhibit D: Preliminary Stormwater Report**

---

---



**FROELICH**  
ENGINEERS

## **Preliminary Stormwater Drainage Report**

---

Deans Molalla

1442 W Main St  
Molalla, OR

For

Deans

Regular maintenance and inspection are required on all components of the stormwater system. This plan provides instruction on how to maintain and inspect the system.

Prepared by: Evan Eykelbosch, PE and Ben Ullmann, PE  
Froelich Engineers  
17700 SW Upper Boones Ferry Rd, Suite 115  
Portland, OR 97224  
Froelich Project Number: 20-C024A  
Date: September 1, 2023

---

Preliminary Stormwater Drainage Report

---

## Designer's Certification and Statement

"I hereby certify that this Stormwater Management Report for this project has been prepared by me or under my supervision and meets the minimum standards of the City of Molalla and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities design by me."

Evan Eykelbosch, PE



Preliminary Stormwater Drainage Report

---

**Table of Contents**

I.	Project Overview and Description .....	4
II.	Methodology .....	4
III.	Analysis .....	5
IV.	Engineering Conclusion .....	5
V.	Appendices .....	6
Appendix A:	Vicinity Map .....	7
Appendix B:	Basin Map and Areas .....	8
Appendix C:	Assumptions .....	9
Appendix D:	Soil Resource Report .....	10
Appendix E:	Water Quality Calculations .....	11
Appendix F:	Stormwater Conveyance Calculations .....	12
Appendix G:	Utility Plan / Details .....	13
Appendix H:	Operations and Maintenance .....	14

---

Preliminary Stormwater Drainage Report

---

## I. Project Overview and Description

This stormwater report has been prepared in accordance with the 2020 Molalla Standard Specifications for Public Works Construction, adopted in February 2020, to support the application for the proposed project improvements.

Deans Molalla is a new gravel storage yard located at 1442 W Main St (See Appendix A: Vicinity Map).

### Existing Conditions

The project site is the eastern portion of tax lot 1700 and constitutes of approximately 3.9 acres of land. The existing topography of the majority of the site is relatively flat with minor slopes from south to north. The entire site has high points in the southern corners and has a ditch running south to north through the middle of the site. The ditch has existing documented wetlands. The existing soil is Amity silt loam based on a Soil Resource Report from the NRCS (See Appendix D: Soil Resource Report).

An existing condition Basin Map is provided in Appendix B.

### Proposed Conditions

The proposed condition of the project site is a gravel storage yard. Berms are provided along the west and north ends of the development to assist in directing stormwater runoff toward the proposed water quality swale in the northwest corner of the site. This swale is designed to meet City of Molalla Design Standards for a Biofiltration Swale. The water quality swale has been designed to accommodate both the new impervious area (asphalt, gravel, concrete, roof), as well as the existing gravel within the drainage basin.

A proposed condition Basin Map is provided in Appendix B.

'Table 1: Catchment Basins' provides the basin characteristics for the various catchment areas under the existing and proposed conditions.

Stormwater leaving the water quality swale will discharge into the adjacent drainage ditch (wetland). Discharge will happen outside the limits of the wetland and will result in no encroachment into the wetland.

The facilities are to be maintained by the owner's representative. The preparer has designed a system that can be easily maintained by maintenance staff. A copy of the O&M shall be provided to all property owners and tenants.

## II. Methodology

The following stormwater management system complies with the 2020 Molalla Standard Specifications for Public Works Construction.

Water quality facilities were designed to meet the water quality storm event of 0.36 in/4-hr per Section 3.3.4. Flow control is not required as part of this development. The conveyance system was designed to meet the minimum 25-year storm event (3.9 in/24-hr) per the 2020 Molalla Standard Specifications for Public Works Construction. See Appendix F for conveyance sizing calculations.

## Preliminary Stormwater Drainage Report

### III. Analysis

The analysis for the stormwater system is based on Santa Barbara Urban Hydrograph (SBUH) Method using a NRCS Type 1A rainfall distribution for a 24-hour storm. The water quality swale was designed as an open channel flow with 4:1 side slopes, a flat bottom, and 1 ft of free board above the WQ flow elevation. (See Appendix E: Water Quality Calculations).

Table 1: Catchment Basins

Pre Developed Conditions				Proposed Conditions			
Basin	Drainage Source	Area (sf)	Curve #	Basin	Drainage Source	Area (sf)	Curve #
Site	Woods, Good, HSG D	76,104	80	Site	Pervious / Impervious	8,087 / 68,017	80 / 98
Total	--	76,104	80	Total	--	76,104	80 / 98

### IV. Engineering Conclusion

Based on the requirements of the 2020 Molalla Standard Specifications for Public Works Construction, all facilities and conveyance components have enough capacity to manage the runoff from the required storm event and should be approved as designed.

## **V. Appendices**

## Appendix A: Vicinity Map



## **Appendix B: Basin Map and Areas**



**FROELICH**  
ENGINEERS

**Basin Areas**

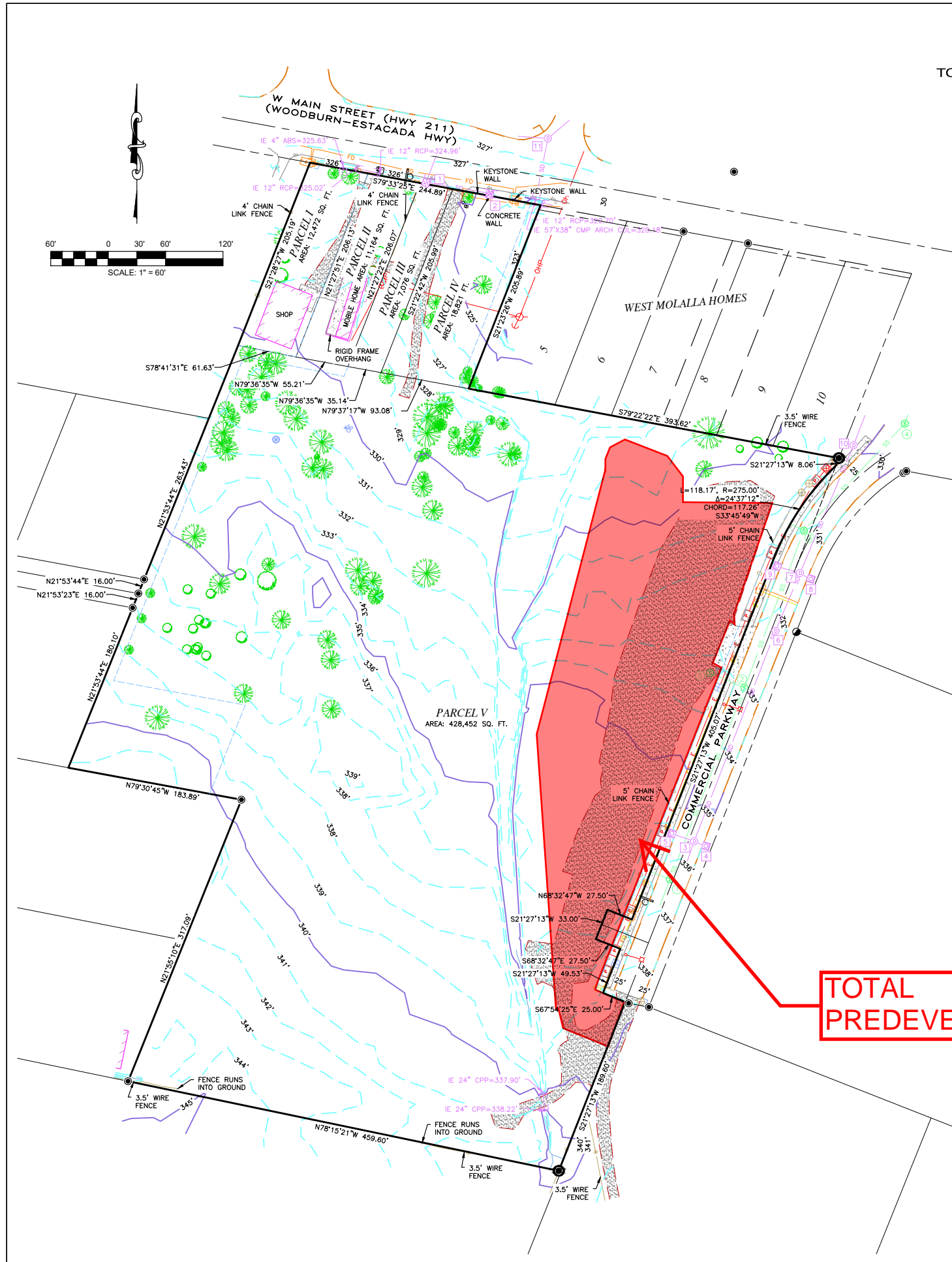
Deans Molalla  
Project #20-C024

Proposed Condition

Basin	Area						Total		Flow Q (25-YR)
	Pervious		Existing Impervious		Proposed Impervious		sf	ac	cfs
	sf	ac	sf	ac	sf	ac			
Phase 1	8,087	0.19	34,257	0.79	33,760	0.78	76,104	1.75	1.70

# TOPOGRAPHIC SURVEY

LOCATED IN THE SE 1/4 OF SECTION 7,  
TOWNSHIP 5 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN,  
CITY OF MOLALLA, CLACKAMAS COUNTY, OREGON



### LEGEND:

- BUILDING
- BUILDING OVERHANG
- FLOW LINE CURB
- STANDARD CURB
- EDGE OF PAVEMENT
- EDGE OF CONCRETE
- EDGE OF GRAVEL
- GUARD RAIL
- WALL-TOP
- WALL-TOE
- STORM SEWER
- GAS
- ELECTRIC
- OVERHEAD POWER
- SANITARY SEWER
- FIBER OPTIC
- DITCH FLOW
- FENCE - WIRE
- FENCE - WOOD
- FENCE - CHAINLINK
- CENTERLINE
- RIGHT OF WAY
- BOUNDARY LINE
- EASEMENT
- LOT/PARCEL LINE
- MAJOR CONTOUR
- MINOR CONTOUR
- BUILDING HATCH
- CONCRETE HATCH
- GRAVEL HATCH

- FOUND MONUMENT-ALUMINUM CAP
- FOUND MONUMENT-IRON PIPE
- FOUND MONUMENT - 5/8" IRON ROD
- SIGN
- MAILBOX
- BOLLARD
- FENCE GATE POST
- TREE - DECIDUOUS
- TREE - CONIFER
- POWER METER
- POWER POLE
- POWER VAULT
- LIGHT-LAMP POST
- GUY ANCHOR
- LAMP POST WITH ARM
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- STORM CULVERT
- STORM DITCH INLET/SLANTED CATCH BASIN
- STORM CURB INLET
- WATER SPIGOT - SHUTOFF
- WATER METER
- WATER VALVE
- WELL
- GAS RISER
- TELEPHONE RISER
- COMMUNICATION VAULT

### NOTES:

1. NO TITLE REPORT WAS PROVIDED.
2. FIELD WORK WAS COMPLETED ON NOVEMBER 16, 2022.
3. NO WETLAND FLAGGING WAS OBSERVED.

### STORM STRUCTURE TABLE

1	STM DI RIM:	324.92'
	IE 12" STL IN (E):	322.10'
	IE 12" STL OUT (N):	321.81'
2	STM DI RIM:	325.15'
	IE 6" ABS IN:	324.53'
	IE 12" STL OUT (W):	322.60'
3	STM MH RIM:	335.71'
	IE 10" PVC IN (SE):	330.30'
	IE 10" PVC IN (NW):	330.23'
	IE 12" PVC IN (SW):	329.99'
	IE 12" PVC OUT (NE):	329.44'
4	STM CI RIM:	335.93'
	IE 10" PVC OUT (WNW):	332.03'
5	STM CI RIM:	335.95'
	IE 10" PVC OUT (ESE):	333.03'
6	STM MH RIM:	332.23'
	IE 12" PVC IN (SSW):	327.27'
	IE 15" PVC IN (ESE):	326.94'
	IE 15" PVC OUT (NNE):	326.92'
7	STM MH RIM:	331.58'
	IE 8" PVC IN (ESE):	328.02'
	IE 8" PVC IN (WNW):	327.02'
	IE 15" PVC IN (SSW):	326.67'
	IE 15" PVC OUT (NNE):	326.58'
8	STM CI RIM:	331.83'
	IE 8" PVC OUT (WNW):	328.73'
9	STM CI RIM:	331.86'
	IE 8" PVC OUT (ESE):	329.30'
10	STM MH RIM:	330.68'
	IE 15" PVC IN (SSW):	326.03'
	IE OUT (NNE):	
11	STM MH RIM:	326.45'
	IE 15" PVC IN (W):	319.62'
	IE 36" PVC IN (S):	319.84'
	IE 42" PVC OUT (NE):	319.43'

### SEWER STRUCTURE TABLE

1	SAN MH RIM:	336.48'
	IE 6" IN (WNW):	325.24'
	IE 10" IN (SSW):	326.98'
	IE 10" PVC OUT (NNE):	325.02'
2	SAN MH RIM:	333.01'
	IE 8" PVC IN (WNW):	324.64'
	IE 10" PVC IN (SSW):	324.24'
	IE 10" PVC OUT (NNE):	324.14'
3	SAN MH RIM:	331.09'
	IE 6" IN (WNW):	323.85'
	IE 10" PVC IN (SSW):	323.69'
	IE 10" PVC OUT (NE):	323.59'
4	SAN MH RIM:	329.64'
	IE 10" PVC IN (SSW):	323.04'
	IE 10" PVC OUT (NE):	322.91'
5	SAN MH RIM:	333.15'

### HORIZONTAL DATUM (BASIS OF BEARINGS):

OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)  
BASED ON GPS OBSERVATIONS.  
DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET,  
SCALED ABOUT CONTROL POINT NO 1 (MAG NAIL WITH WASHER).  
TO CONVERT TO GRID DISTANCES DIVIDE BY THE COMBINED SCALE FACTOR OF 1.0001178862.

### VERTICAL DATUM:

NAVD88 BASED ON STATIC GPS OBSERVATIONS ON POINT 1, PROCESSED THROUGH TRIMBLE RTX.

### UTILITY NOTE:

THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY PER ONE CALL PUBLIC LOCATE TICKET NOS. 22293436 AND 22293437. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

**TOTAL  
PREDEVELOPED SITE**

**S&F Land Services**

PORTLAND, VANCOUVER, BEND, SEASIDE

4858 SW SCHOLLS FERRY RD.  
STE A, PORTLAND, OR 97225  
(503) 345-0328

WWW.SFLANDS.COM	EMAIL: INFO@SFLANDS.COM	
DATE	DRAWN	CHECKED
JAN. 30, 2022	2022-554-01	TD/LB
	TLB	CCS

SURVEY FOR:  
**DEANS  
RESIDENTIAL**

LOCATED IN THE  
SE 1/4 OF SECTION 7,  
TOWNSHIP 5 SOUTH, RANGE 2 EAST, W.M.  
CITY OF MOLALLA, CLACKAMAS COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR








OREGON  
JUNE 13, 2008  
CHRISTOPHER C. SHERBY  
7450RPLS

RENEWS 6/30/24



PROPERTY AREA = 10.97 AC  
 WITHIN PROJECT LIMITS:  
 TOTAL PROJECT AREA = 2.50 AC  
 DISTURBED AREA = 0.98 AC  
 EXISTING GRAVEL = 0.87 AC  
 PROPOSED GRAVEL = 0.52 AC  
 PROPOSED ASPHALT = 0.24 AC

**SHEET LEGEND**

-  PROPERTY LINE
-  WETLAND BOUNDARY
-  ASPHALT PAVEMENT
-  LANDSCAPE
-  CRUSHED ROCK
-  EXISTING GRAVEL
-  CONCRETE PAVEMENT



PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
 PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

DESIGN  
 REVIEW

REV DATE	ISSUE TITLE

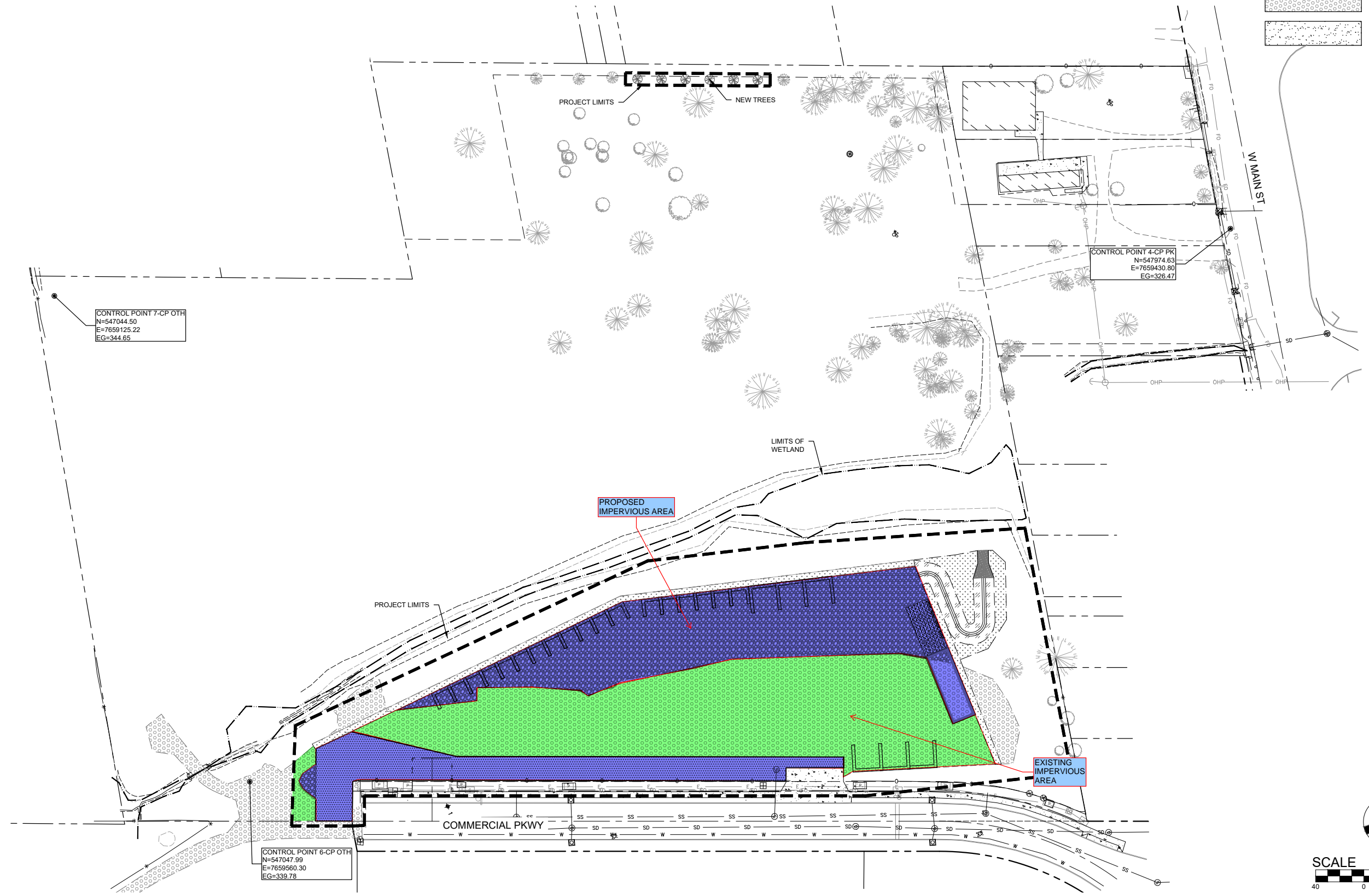
  

PROJECT MANAGER:	EME
DESIGNER:	BLU
DRAWN BY:	FCE-CIV-1
PROJECT NO.:	20-C024A
DATE:	08/31/23
SCALE:	AS SHOWN

SHEET TITLE:  
**OVERALL SITE PLAN**

SHEET NUMBER:  
**C2.0**

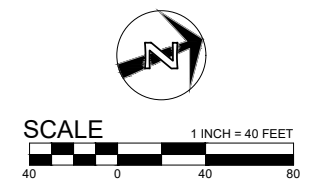
DESIGN REVIEW



CONTROL POINT 7-CP OTH  
 N=547044.50  
 E=7659125.22  
 EG=344.65

CONTROL POINT 4-CP PK  
 N=547974.63  
 E=7659430.80  
 EG=326.47

CONTROL POINT 6-CP OTH  
 N=547047.99  
 E=7659560.30  
 EG=339.78



11/25 File: P:\2020\20-C024 (Deans Innovations)\300 Document Development - Froelich\302 CAD - Phase 1\PL\OT\20-C024\_C200\_SITE.dwg TAB C2.0  
 Plotted: 8/31/23 at 4:34pm By: FCE-CIV-1

## **Appendix C: Assumptions**



## Assumptions

Deans Molalla  
Project #20-C024

### Santa Barbara Unit Hydrograph (SBUH) Assumptions:

WQ Storm Event=	<b>0.36</b>	in/4-hours	per Section 3.3.4 of 2020 Molalla Standard Specifications for Public Works Construction
2-year Storm Event=	<b>2.50</b>	in/24-hours	per Table 3.2 of 2020 Molalla Standard Specifications for Public Works Construction
5-year Storm Event=	<b>3.10</b>	in/24-hours	per Table 3.2 of 2020 Molalla Standard Specifications for Public Works Construction
10-year Storm Event=	<b>3.45</b>	in/24-hours	per Table 3.2 of 2020 Molalla Standard Specifications for Public Works Construction
25-year Storm Event =	<b>3.90</b>	in/24-hours	per Table 3.2 of 2020 Molalla Standard Specifications for Public Works Construction
Time of Concentration	<b>5.0</b>	minutes	
Roughness Coefficient	<b>0.013</b>		

### Curve Number Assumptions:

Impervious Area =	<b>98</b>	per NRCS Runoff Curve Numbers
Pervious Area =	<b>80</b>	per NRCS Runoff Curve Numbers
Existing Pervious Area =	<b>80</b>	per NRCS Runoff Curve Numbers

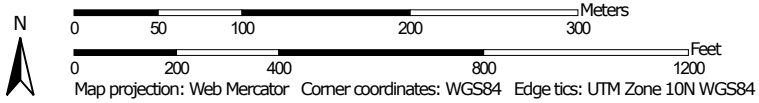
**NRCS Soil Group                    D**

## **Appendix D: Soil Resource Report**

Hydrologic Soil Group—Clackamas County Area, Oregon



Map Scale: 1:4,500 if printed on A portrait (8.5" x 11") sheet.






## MAP LEGEND

### Area of Interest (AOI)









 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons





 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines

 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points

 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available


### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon  
 Survey Area Data: Version 19, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 19, 2015—Sep 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1A	Aloha silt loam, 0 to 3 percent slopes	C/D	17.8	19.8%
3	Amity silt loam	C/D	67.2	75.0%
29	Dayton silt loam	D	0.2	0.3%
84	Wapato silty clay loam	C/D	4.4	4.9%
<b>Totals for Area of Interest</b>			<b>89.7</b>	<b>100.0%</b>

### Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



## **Appendix E: Water Quality Calculations**



**Site (Rational Method)**

Proposed Water Quality Flow (cfs) =  $CiA$

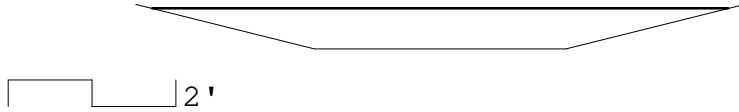
c = **0.9**  
i = **0.36**  
Area (ac) = **1.57**

Water Quality Flow (cfs) = **0.51**

Velocity (fps) = **0.22**  
Length of Swale (ft) = **139**  
Residence Time (sec) = **631.8**  
Residence Time (min) = **10.53**

**Project** 20-C024  
Dean's

**TRAPEZOIDAL CHANNEL FLOW**  
Conveyance Swale - WQ



left slope = 25.00%  
bottom width = 3.00'  
right slope = 25.00%  
channel slope = 0.50%  
flow = 0.51 cfs  
channel type: shallow swale

Manning's n = 0.240

depth = 0.48'  
velocity = 0.21 feet/sec  
flow area = 2.38 sq.ft.  
surface width = 6.87'

## **Appendix F: Stormwater Conveyance Calculations**

**Project** 20-C024  
Dean's

**RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH**  
Site Runoff

total Time of Concentration = 5.0'

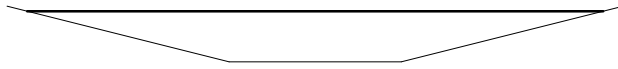
storm hyetograph: SCS TypeIA  
return period = 25 years  
storm duration = 24 hr.  
total rainfall = 3.90 in.

pervious area = 0.19 A CN = 80 GpD:Open.space,gd.cnd  
impervious area = 1.57 A CN = 98  
total site area = 1.76 A

peak flow = 1.70cfs @ 7.83 hr.  
runoff volume = 22,241 cu.ft.

**Project** 20-C024  
Dean's

**TRAPEZOIDAL CHANNEL FLOW**  
Conveyance Swale - 25-Yr



left slope = 25.00%  
bottom width = 3.00'  
right slope = 25.00%  
channel slope = 0.50%  
flow = 1.70 cfs  
channel type: shallow swale

Manning's n = 0.240

depth = 0.88'  
velocity = 0.30 feet/sec  
flow area = 5.72 sq.ft.  
surface width = 10.03'

## **Appendix G: Utility Plan / Details**

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
 PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON, 97038

DESIGN  
 REVIEW

REV DATE	ISSUE TITLE

PROJECT MANAGER: EME  
 DESIGNER: BLU  
 DRAWN BY: FCE-CIV-1  
 PROJECT NO: 20-C024A  
 DATE: 08/31/23  
 SCALE: AS SHOWN

SHEET TITLE:  
**GRADING AND DRAINAGE PLAN**

SHEET NUMBER:  
**C3.0**

DESIGN REVIEW

**GRADING NOTES**

- SLOPES PROVIDED ON SLOPE ARROW ARE FOR REFERENCE ONLY.
- MATCH GRADE AT EXISTING FENCE LINE ALONG COMMERCIAL PKWY FRONTAGE.

**UTILITY NOTES**

- STRUCTURES LOCATIONS ARE BASED ON CENTER OF STRUCTURE.

**GRADING LABEL LEGEND**

CALLOUT	DESCRIPTION
XX.X%	GRADING SLOPE AND DIRECTION (DOWNHILL)
XX.XX XX	SPOT ELEVATION
EG	DESCRIPTION LISTED BELOW. NO DESCRIPTION MEANS TP OR TG
TG	EXISTING GRADE TOP OF GROUND

**UTILITY LABEL LEGEND**

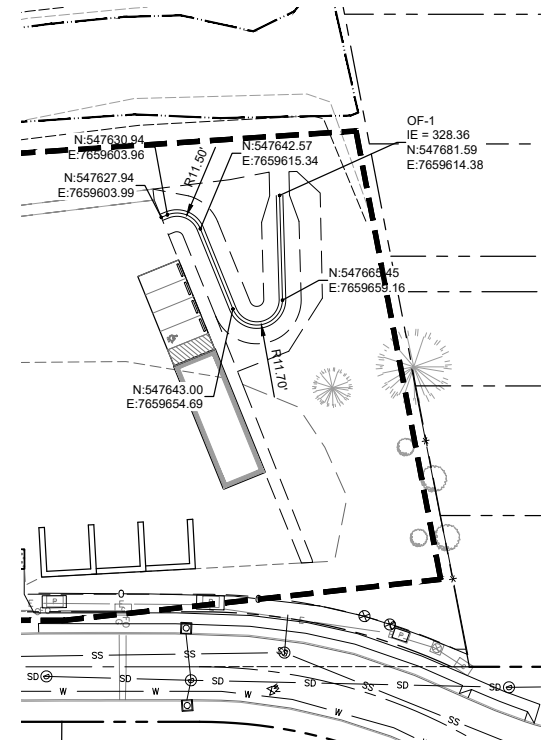
STRUCTURE LABEL	
XX XX-XX	UTILITY TYPE (SD=STORM DRAINAGE, SS=SANITARY SEWER, W=WATER, FP=FIRE PROTECTION)
N = XX.XX	STRUCTURE TYPE CALLOUT
E = XX.XX	ID NUMBER (WHERE APPLICABLE)
XX XX-XX	LOCATION (WHERE APPLICABLE)

**STRUCTURE TYPE**

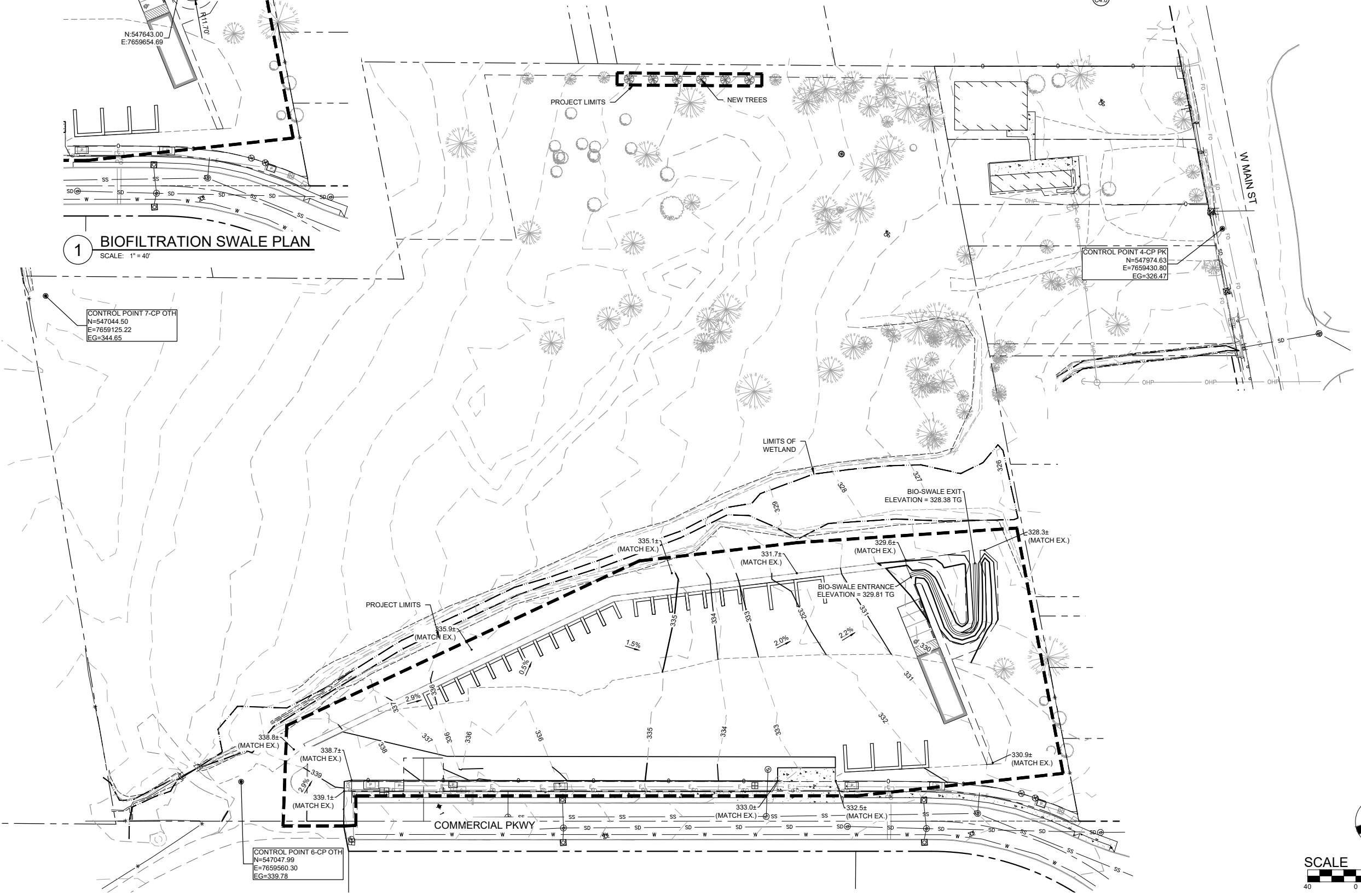
CALLOUT	DESCRIPTION	DETAIL REF.
OF	OUTFALL	3 (C4.10)

**GRADING LEGEND**

	DRAINAGE FLOW DIRECTION
	GRADE BREAK
	EX. CONTOUR MINOR
	EX. CONTOUR MAJOR
	CONTOUR MINOR (FG)
	CONTOUR MAJOR (FG)



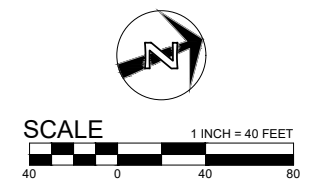
**1 BIOFILTRATION SWALE PLAN**  
 SCALE: 1" = 40'



CONTROL POINT 6-CP OTH  
 N=547047.99  
 E=7659560.30  
 EG=339.78

CONTROL POINT 4-CP PK  
 N=547974.63  
 E=7659430.80  
 EG=326.47

CONTROL POINT 7-CP OTH  
 N=547044.50  
 E=7659125.22  
 EG=344.65





PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

DEANS

6400 SE 101ST AVE #X4  
 PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON 97038

DESIGN  
 REVIEW

REV DATE	ISSUE TITLE

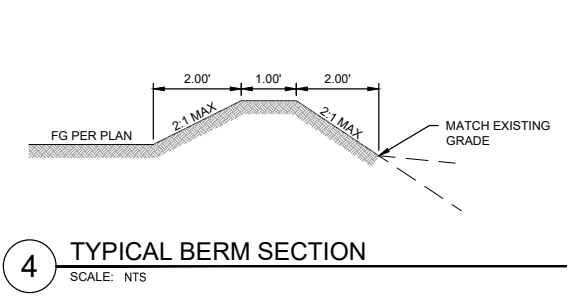
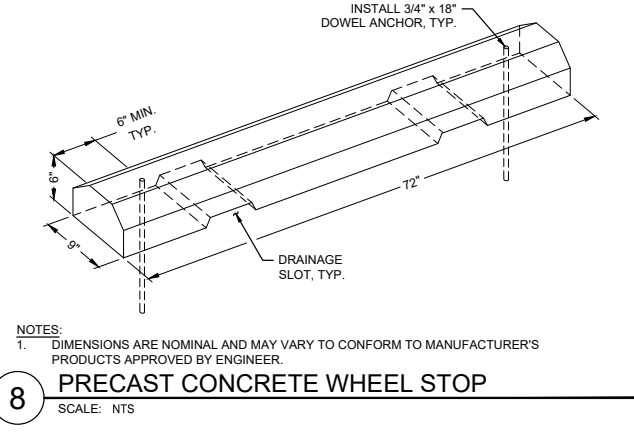
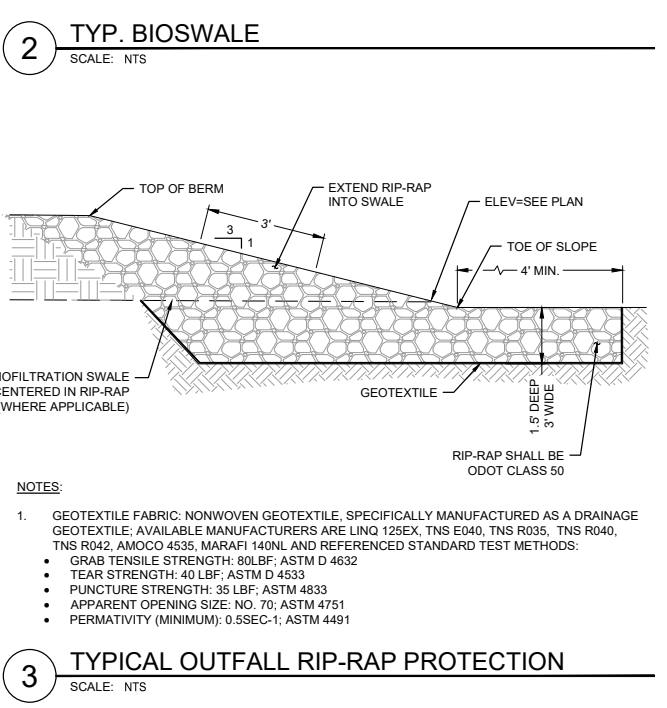
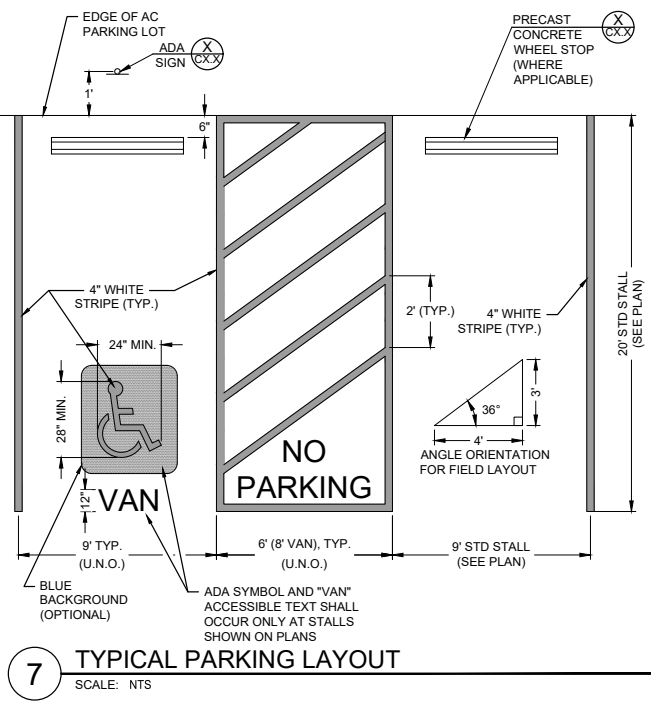
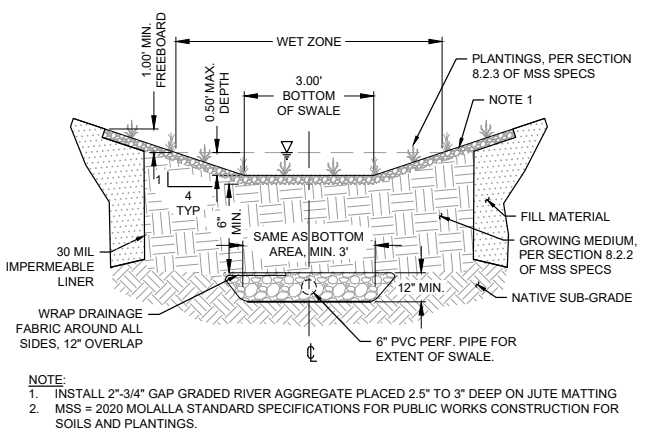
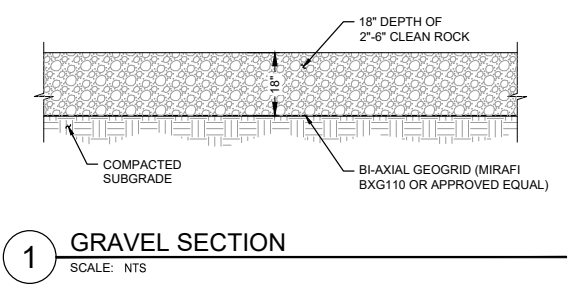
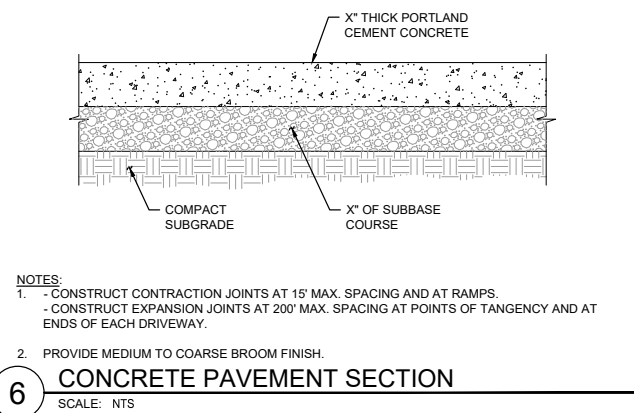
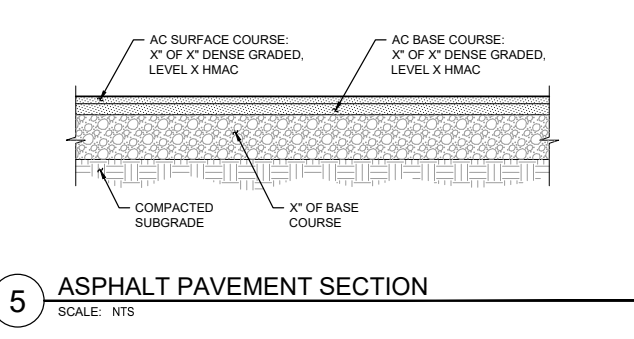
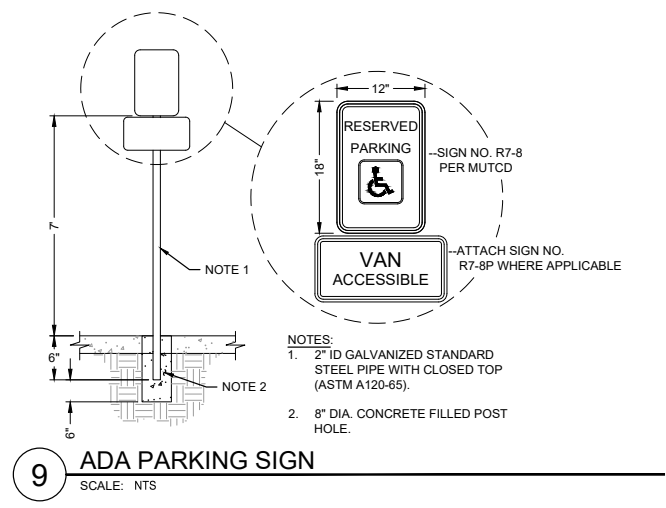
PROJECT MANAGER: EME  
 DESIGNER: BLU  
 DRAWN BY: FCE-CIV-1  
 PROJECT NO: 20-C024A  
 DATE: 08/31/23  
 SCALE: AS SHOWN

SHEET TITLE:  
 DETAILS

SHEET NUMBER:

**C4.0**

DESIGN REVIEW



## **Appendix H: Operations and Maintenance**

TO BE PROVIDED WITH FINAL REPORT

## **Exhibit E: Transportation Analysis Letter**

---

---



November 27, 2023

Dean Leasing, LLC  
Attention: Kelly F. Huedepohl  
6400 SE 101<sup>st</sup> Avenue, Suite X4  
Portland, Oregon 97266

Re: **Commercial Parkway Site Design Review and Conditional Use – Molalla, Oregon**  
*Transportation Analysis Letter*

City of Molalla File Number PRE11-2023  
C&A Project Number 20231003.00

Dear Ms. Huedepohl,

This Transportation Analysis Letter (TAL) letter supports the proposed Deans Innovations industrial conditional use for the property south of W Main Street (OR 211) and west of Commercial Parkway in Molalla, Oregon. The TAL addresses Molalla Municipal Code (MMC) Transportation Analysis Letter Content requirements. The following items are specifically addressed:

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The subject property is south of W Main Street (OR 211) and west of Commercial Parkway in Molalla, Oregon. The subject property is identified as tax lot 1700 on Clackamas County Assessor's map 5-2-E-07D and is approximately 10.31 acres. The property is currently undeveloped and directly accesses Commercial Parkway to the east. The immediate site area is illustrated in the attached Figure 1.

The subject property is in the Molalla city limits and has a Comprehensive Plan designation and corresponding zone designation of Heavy Industrial (M-2). Proposed land use actions include a Type III Site Design Review and Conditional Use application in the M-2 zone to allow for expanding the graveled area on the lot to allow the property to be used by specialty trade contractors. The proposed industrial conditional use is allowed in the current zone designation.

## 2. STUDY PARAMETERS

The proposed conditional use is consistent with the M-2 zone designation. As such, the provisions contained in MMC Section 17-3.6.020.A.4.a – *Determining the Required Level of Transportation Analysis and Documentation* are considered, which state:

*A Transportation Impact Analysis (TIA) is required for developments that are expected to have an impact on the transportation system. The analysis shall be based upon the latest edition of the ITE Trip Generation Manual or an agreed-upon alternative methodology where credible data is available to support the alternative methodology. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIA. At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIA when a development meets all the following criteria:*

- (1) The development generates fewer than 25 peak hour trips during either the AM or PM peak hour. (Two examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 25 or fewer single-family residences or a general office building less than 15,000 square feet.)*
- (2) The development is not expected to impact intersections that currently fail to meet the City's level of service standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.*
- (3) The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones.*
- (4) The development generates an increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by less than 10 vehicles per day.*

Materials contained in the subsequent portions of this document demonstrate that a TAL is the appropriate document to submit. As such, this analysis addresses MMC Section 17-3.6.020.A.4.b – *Transportation Analysis Letter Contents*, which states:

- (1) The TAL shall be prepared by or prepared under the direct supervision of a registered professional engineer who shall sign and stamp the TAL.*
- (2) The TAL shall include the following:*
  - i. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.*
  - ii. Site plan showing the location of all access driveways or private streets where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development.*

- iii. *Documentation that all site access driveways meet City of Molalla Private Access Driveway Width Standards.*
- iv. *Documentation that all site access driveways meet the City of Molalla’s Minimum City Street Intersection Spacing Standards.*
- v. *Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.*
- vi. *Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.*
- vii. *Documentation that the applicant has reviewed the City’s TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming, and other attributes as appropriate.*

### 3. DEVELOPMENT DESCRIPTION

The proposed conditional use increases the size of the existing graveled site area to two acres to allow the property to be used by specialty trade contractors. The applicant further anticipates that site improvements may include the placement of up to two modular structures (office trailers).

The specialty trade contractors will store equipment and materials relevant to their business and will arrive on-site to pick up and drop off these materials. The temporary modular structures (if included) are intended to house some level of business operations.

A copy of the applicant’s site plan is attached for reference.

### 4. DEVELOPMENT TRIP GENERATION

For trip estimating purposes, it is conservatively assumed the applicant will construct 5,000 square feet of building area for use by specialty trade contractors and will provide two acres of equipment storage.

Trip generation for the proposed specialty trade contractors' establishments is estimated using the ITE *Trip Generation Manual*, 11<sup>th</sup> Edition, and practices from the ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition, and is presented in the following table. Trip generation for the two acres of equipment storage is estimated based on applicant-provided information.

TABLE 1 – DEVELOPMENT TRIP GENERATION										
Land Use	ITE Code	Size	AM Peak Hour			PM Peak Hour			Daily	
			Enter	Exit	Total	Enter	Exit	Total	All Vehicles	Trucks
Specialty Trade Contractor	180	5,000 SF	6	2	8	3	7	10	49	3
Equipment Storage	–	2 Acres	1	1	2	1	1	2	4	1
<b>Total All Uses</b>			<b>7</b>	<b>3</b>	<b>10</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>53</b>	<b>4</b>

As identified in the table above, the proposed conditional use generates 10 AM peak hour trips, and 12 PM peak hour trips, and 53 daily vehicle trips (of which four are made by trucks (vehicles exceeding a 20,000-pound gross vehicle weight)).

Overall, for the proposed conditional use, the AM peak hour, PM peak hour, or daily truck trip generation thresholds requiring a TIA, versus a TAL, are not met.

## 5. TRANSPORTATION SYSTEM PLAN PROJECTS

As identified in the Molalla Transportation System Plan (TSP) the City does not have a “financially constrained” or a “reasonably likely” plan, i.e., a list of projects that are funded and can be assumed to be in place at the end of the planning period. Rather, the TSP contains a list of high, medium, and low-priority projects that will likely be constructed from a combination of private developers (i.e. street system improvements, frontage improvements, system development charges), the City (i.e. taxes, fees, bonds), and the State (i.e. Statewide Transportation Improvement Program, various other funding programs, grants).

A summary of the TSP projects in the project area is presented below:

Location	Type	Project	Priority	Cost Estimate	
P4	OR 211 <sup>1</sup>	Sidewalks – Fill in gaps	Fill in the gaps on both sides of the roadway from OR 213 to Molalla Avenue with sidewalks of appropriate width	High	\$1,710,000
P23	Industrial Way	Sidewalks – Fill in gaps	Fill in gaps on both sides of the roadway from the northern roadway terminus to OR 211 with sidewalks of appropriate width	Medium	\$170,000
B4	OR 211 <sup>1</sup>	Buffered Bike Lane	Install buffered bike lanes on both sides of the roadway from OR 213 to Shaver Avenue	Medium	\$0 <sup>2</sup>
B31	Industrial Way	Shared lane	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from the northern roadway terminus to OR 211	Low	\$5,000
M4	OR 211 <sup>1</sup>	Widen OR 211 from OR 213 to Shaver Avenue to provide a continuous 3-lane cross section	Medium	\$14,505,000	
M13	Commercial Way	Construct Commercial Way from the roadway terminus to Lowe Road (west)	Low	\$365,000	
S2	OR 211 <sup>1</sup>	Widen OR 211 from OR 213 to Shaver Avenue to include a center turn-lane, bike lanes, and sidewalks – Coordinate with Project M4	Medium	0 <sup>3</sup>	
S8	City-wide <sup>1</sup>	Evaluate bicycle and pedestrian safety along OR 213, OR 211, Toliver Road, Molalla Avenue, and other key corridors to identify appropriate counter measures	Low	\$50,000	

The TSP also contemplates the extension of Commercial Parkway for its existing terminus to the south to intersect with Lowe Road.

## 6. TRANSPORTATION SYSTEM OPERATIONS

As identified in the Molalla TSP, Commercial Parkway is functionally classified as a *Neighborhood Street*, and W Main Street (OR 211) is an *Arterial*. Based on a review of TSP materials, there are currently no specific operation concerns or deficiencies at the OR 211/Commercial Parkway intersection nor are there any at the end of the planning period. It is noted that TSP projects B4 and M4 contemplate OR 211 capacity improvements that include buffered bike lanes and a continuous 3-lane roadway cross-section.

Considering the small AM and PM peak hour trip generation associated with the proposed conditional use (which is consistent with the existing M-2 zone designation), the intersection is anticipated to meet the City's level of service standards during peak operating hours. Overall, the proposed conditional use does not significantly impact intersections that currently fail to meet the City's level of service standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.

## 7. TRANSPORTATION SYSTEM SAFETY

Crash data for the OR 211/Commercial Parkway intersection and the adjacent OR 211 and Commercial Parkway frontages were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2018 through December 31, 2022. Based on a review of this data, there were only two crashes, and both occurred at the OR 211/Commercial Parkway intersection. Based on this small number of crashes, the resulting intersection crash rate is less than the statewide 90<sup>th</sup> percentile crash rate at comparable/reference intersections. Therefore, the intersection is considered relatively safe, and no further evaluation of safety deficiencies is necessary. Copies of the crash data are attached for reference.

Based on a review of the Molalla TSP materials, there are currently no specific safety concerns or deficiencies at the OR 211/Commercial Parkway intersection or along the adjacent OR 211 and Commercial Parkway roadway frontages nor are there any at the end of the planning period. It is noted that TSP projects P4, B4, and M4 contemplate OR 211 safety improvements that include sidewalks, buffered bike lanes, and a continuous 3-lane roadway cross-section.

Considering the small AM and PM peak hour trip generation associated with the proposed conditional use (which is consistent with the existing M-2 zone designation) and the nature/type of traffic, the proposed conditional use is not expected to significantly impact adjacent roadways or intersections that are high crash locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones.



## 8. SITE ACCESS

The proposed site access and the location of the accesses on the opposite side of Commercial Parkway are illustrated in the attached Figure 2. A copy of the applicant's Overall Site Plan – Sheet C2.0 is also attached for reference.

The proposed site access meets the Molalla private access driveway width standards in that it will be designed and constructed to accommodate emergency vehicle apparatus and will conform to applicable fire protection requirements. The access will also be designed and constructed to accommodate truck/trailer-turning movements. The access will not be wider than necessary to safely accommodate projected peak hour trips and vehicle turning movements, and it will be designed to minimize the pedestrian crossing distance. There are no inherent safety issues associated with the design or location.

The proposed site access meets the Molalla minimum City street intersection spacing standard and is more than 50 feet from a public roadway intersection.

The proposed site access to Commercial Parkway is located on a straight (tangent) roadway section where there is no significant horizontal or vertical roadway curvature. While American Association of State Highway Transportation Officials (AASHTO) *intersection* sight distance guidelines do not apply to private access to public roadways in a suburban environment, if the standards were applied, the desired intersection sight distance to the north would be available and extends to the OR 211/Commercial Parkway intersection.

Based on a review of the Molalla TSP, the proposed site frontage improvements comply with all applicable standards regarding the roadway functional classification, typical *Minor Collector/Neighborhood Route* cross-section standards, access management, traffic calming, and other attributes.

## 9. SUMMARY

The following conclusions are based on materials contained in this TAL.

1. The subject property is south of W Main Street (OR 211) and west of Commercial Parkway and is identified as tax lot 1700 on Clackamas County Assessor's map 5-2-E-07D. The property is approximately 10.31 acres, it is undeveloped, and directly accesses Commercial Parkway to the east.
2. The subject property is in the Molalla city limits and has a Comprehensive Plan designation and corresponding zone designation of Heavy Industrial (M-2). The proposed industrial conditional use is allowed in the current zone designation.
3. The proposed conditional use includes increasing the size of the existing graveled site area to two acres to allow the property to be used by specialty trade contractors. The applicant further anticipates that site improvements may include the placement of up to two modular structures (office trailers). The specialty trade contractors will store equipment and materials relevant to their business and will arrive on-site to pick up and drop off these materials. The temporary modular structures (if included) are intended to house some level of business operations.
4. The proposed conditional generates 10 AM peak hour trips, 12 PM peak hour trips, and 53 daily vehicle trips (of which four are made by trucks (vehicles exceeding a 20,000-pound gross vehicle weight)).

5. The proposed conditional use does not significantly impact intersections that currently fail to meet the City's level of service standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.
6. The proposed conditional use is not expected to significantly impact adjacent roadways or intersections that are high crash locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones.
7. The proposed site access meets the Molalla private access driveway width standards and the intersection spacing standard. There are no inherent safety issues associated with the design or location.
8. The desired AASHTO intersection sight distance for the proposed site access to Commercial Parkway is available.
9. Based on a review of the Molalla TSP, the proposed site frontage improvements comply with all applicable standards regarding the roadway functional classification, typical *Minor Collector/Neighborhood Route* cross-section standards, access management, traffic calming, and other attributes.

Sincerely,

Christopher M.  
Clemow

Digital Signer: Christopher M. Clemow  
DN: C=US, E=clemow@clemow-associates.com, O="Clemow & Associates, LLC", CN=Christopher M. Clemow  
Date: 2023.11.27  
16:01:35 -08:00

Christopher M. Clemow, PE, PTOE  
Transportation Engineer

Attachments: Site Plan  
Figures 1 and 2  
Crash Data



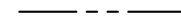
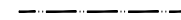




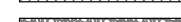
RENEWS 31 DEC 2023

PROPERTY AREA = 10.87 AC  
 WITHIN PROJECT LIMITS:  
 TOTAL PROJECT AREA = 1.80 AC  
 DISTURBED AREA = 0.99 AC  
 EXISTING GRAVEL REMAINING = 0.81 AC  
 PROPOSED GRAVEL = 0.47 AC  
 PROPOSED ASPHALT = 0.24 AC

**NOTES**

1. THIS PORTION OF THE PROPERTY IS PLANNED TO BE IMPROVED AS SHOWN TO PROVIDE FOR USE BY SPECIALTY TRADE CONTRACTORS AS DESCRIBED IN THE APPLICATION WRITTEN NARRATIVE.
2. ONE OR MORE OF THE PERMITTED USES MAY OR MAY NOT HAVE A TEMPORARY MODULAR BUILDING WITH ADJACENT PARKING SPACES.
3. IF A TEMPORARY MODULAR BUILDING IS PLACED, IT CAN BE CONNECTED TO PUBLIC WATER AND/OR SEWER.

**SHEET LEGEND**

-  PROPERTY LINE
-  WETLAND BOUNDARY
-  ASPHALT PAVEMENT
-  LANDSCAPE
-  CRUSHED ROCK
-  EXISTING GRAVEL
-  CONCRETE PAVEMENT



PRELIMINARY  
NOT FOR  
CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON 97038

**DESIGN REVIEW**

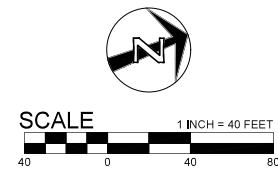
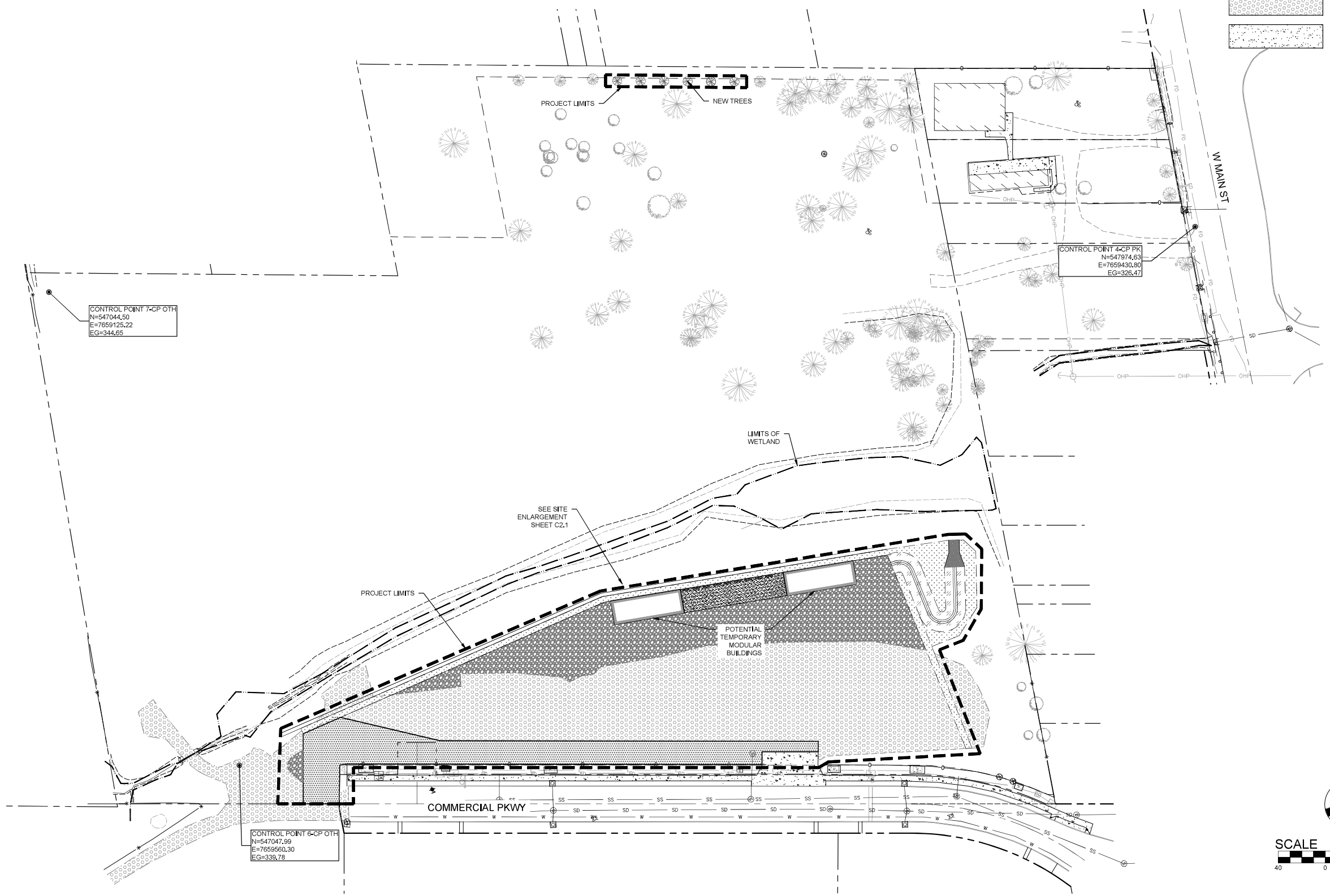
REV DATE	ISSUE TITLE

PROJECT MANAGER: EME  
 DESIGNER: BLU  
 DRAWN BY: EYKELBOSCH  
 PROJECT NO: 20-C024AA  
 DATE: 11/17/23  
 SCALE: AS SHOWN

SHEET TITLE:  
**OVERALL SITE PLAN**

SHEET NUMBER:  
**C2.0**

DESIGN REVIEW



Plot: 11/17/23 at 1:57pm By: eeykelbosch

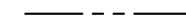
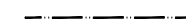

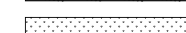
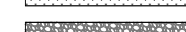


**SHEET NOTES**

1. ALL DIMENSIONS ARE TO GRADE BREAK LOCATION.

**KEY NOTES**

- 1 18" WELL GRADED CRUSHED ROCK WITH BI-AXIAL GEOGRID (MIRAFI BXG110 OR APPROVED EQUAL) OVER COMPACTED SUBGRADE. SEE 1/C4.0
- 2 OUTFALL, SEE 3/C4.0
- 3 BIOFILTRATION SWALE. SEE 2/C4.0
- 4 BERM. SEE 4/C4.0
- 5 EXISTING GRAVEL SURFACE
- 6 ASPHALT PAVEMENT. SEE 5/C4.0
- 7 CONCRETE PAVEMENT. SEE DETAIL 6/C4.
- 8 VAN ADA PARKING STALL. SEE 7/C4.0

**SHEET LEGEND**

-  PROPERTY LINE
-  WETLAND BOUNDARY
-  ASPHALT PAVEMENT
-  LANDSCAPE
-  CRUSHED ROCK
-  EXISTING GRAVEL
-  CONCRETE PAVEMENT



PRELIMINARY  
NOT FOR  
CONSTRUCTION

**DEANS**

6400 SE 101ST AVE #X4  
PORTLAND, OR

DEANS MOLALLA

MOLALLA, OREGON 97038

**DESIGN REVIEW**

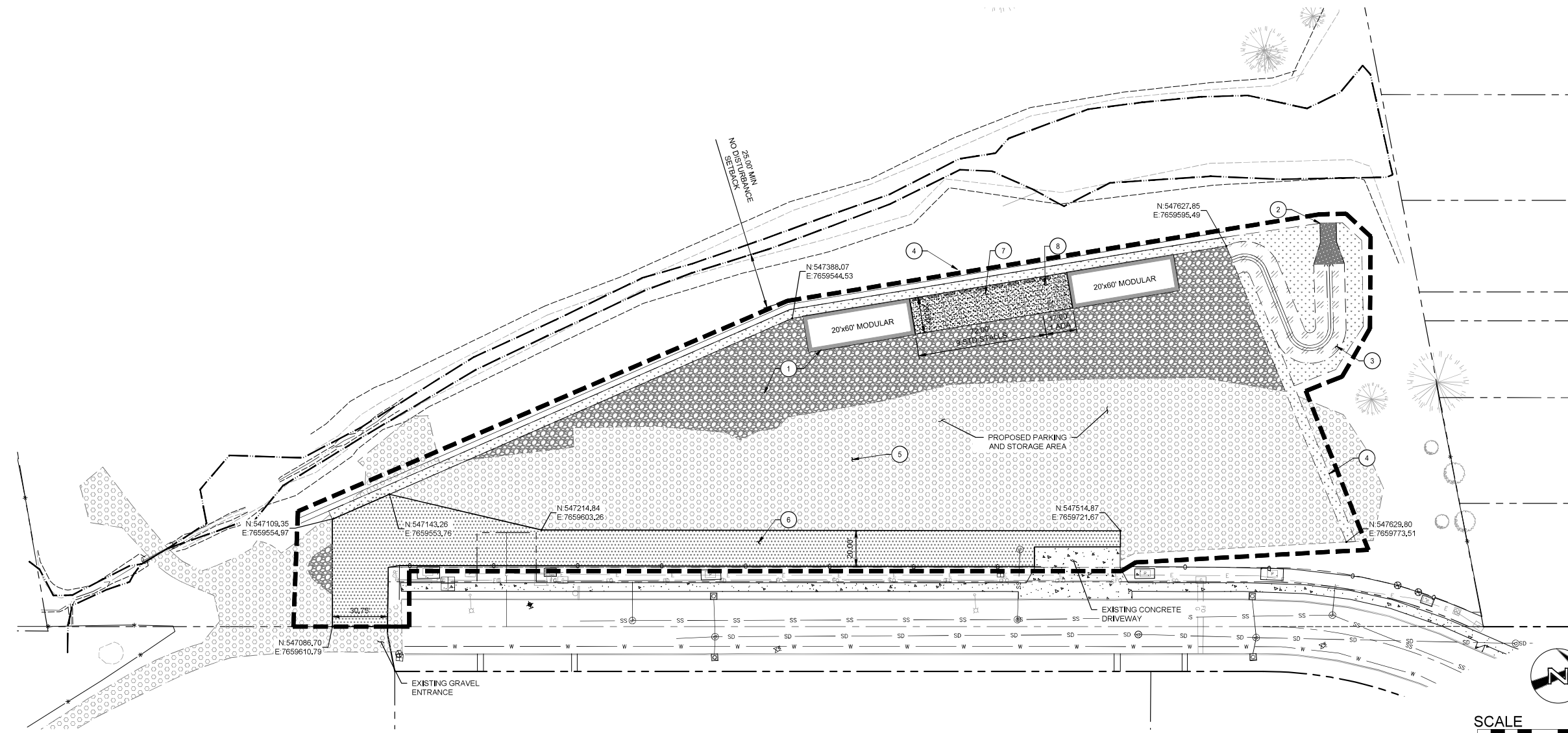
REV DATE	ISSUE TITLE

PROJECT MANAGER: EME  
DESIGNER: BLU  
DRAWN BY: EEEKELBOSCH  
PROJECT NO: 20-C024AA  
DATE: 11/17/23  
SCALE: AS SHOWN

SHEET TITLE:  
**SITE ENLARGEMENT PLAN**

SHEET NUMBER:  
**C2.1**

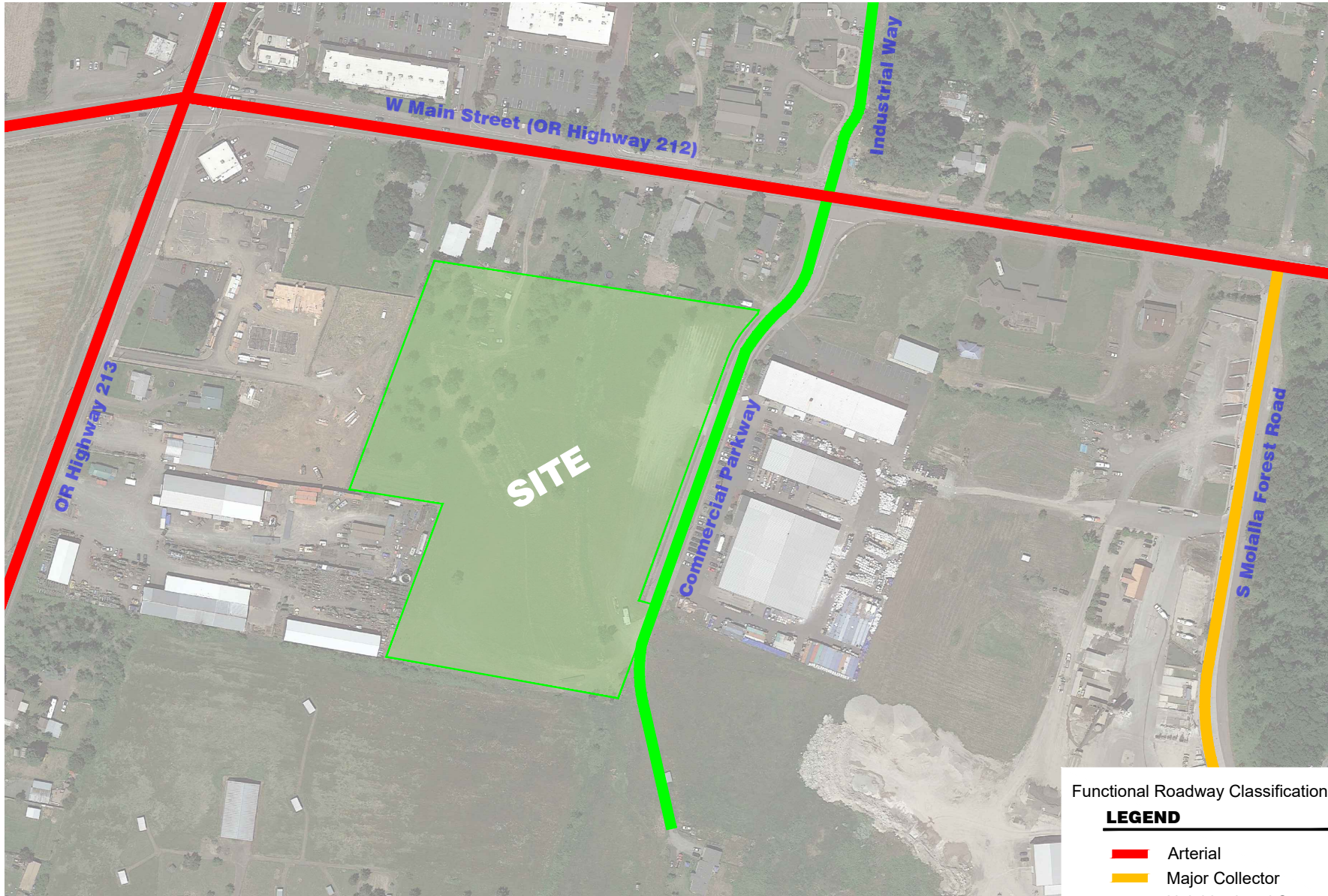
DESIGN REVIEW



Plot: P:\2020\20-C024\20-C024-Deans Molalla\20-C024-Phase 1\Plot\20-C024-C201\_RTE.dwg 7/16/23

Plotted: 11/17/23 at 1:57pm By: eeykelbosch





Functional Roadway Classifications

**LEGEND**

- █ Arterial
- █ Major Collector
- █ Neighborhood Street



2237 NW Torrey Pines Drive  
 Bend, Oregon 97703  
 541-579-8315  
 cclemow@clemow-associates.com

**SITE AREA and PM PEAK HOUR TRIP DISTRIBUTION**

---

Deans Innovations - Molalla, Oregon

---

C&A Project No. 20231002.00

**FIGURE**

**1**





2237 NW Torrey Pines Drive  
 Bend, Oregon 97703  
 541-579-8315  
 clemow@clemow-associates.com

**SITE ACCESS LOCATIONS**

Deans Innovations - Molalla, Oregon

C&A Project No. 20231002.00

**FIGURE**

**2**

CDS380  
11/11/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
CONTINUOUS SYSTEM CRASH LISTING

161: WOODBURN-ESTACADA

Highway 161 ALL ROAD TYPES, MP 11.53 to 11.57 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage

1 - 2 of 2 Crash records shown.

SER#	P	R	J	S	W	DATE	COUNTY	RD#	FC	CONN#	RD CHAR	INT-TYPE	SPCL USE											
INVEST	E	A	U	I	C	O	CITY	COMPNT	FIRST	STREET	DIRECT	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR	QTY	MOVE	A	S			
RD DPT	E	L	G	N	H	R	URBAN AREA	MLG	TYP	SECOND	LOCTN	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G	E		
UNLOC?	D	C	S	V	L	K	LONG	MILEPNT	LRS		(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	
02405	N	N	N	N	N	08/08/2022	CLACKAMAS	1	16		INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT				
CITY						MO		MN	0		CN		STOP SIGN	N	DRY	REAR	PRVTE	E	-W					
N						11A	MOLALLA UA	11.54			02	0		N	DAY	INJ	PSNGR CAR		01	DRVR	INJB	18	F	
N						45 9 .68	-122 36 5.8						016100100S00											OR-Y OR<25
																	02	NONE	0	STOP				
																	PRVTE	E	-W					
																	PSNGR CAR		01	DRVR	INJC	49	F	OR-Y OR<25
																	02	NONE	0	STOP				
																	PRVTE	E	-W					
																	PSNGR CAR		02	PSNG	INJC	12	F	
02034	N	N	N	N		07/08/2022	CLACKAMAS	1	16		INTER	CROSS	N	N	CLR	S-1TURN	01	NONE	0	STRGHT				
CITY						FR		MN	0		E		STOP SIGN	N	DRY	REAR	PRVTE	E	-W					
N						5P	MOLALLA UA	11.55			06	0		N	DAY	INJ	PSNGR CAR		01	DRVR	NONE	33	M	OR-Y OR<25
N						45 9 .68	-122 36 5.8						016100100S00											
																	02	NONE	0	TURN-R				
																	PRVTE	E	-N					
																	PSNGR CAR		01	DRVR	INJC	26	M	OR-Y OR<25
																	02	NONE	0	TURN-R				
																	PRVTE	E	-N					
																	PSNGR CAR		02	PSNG	INJC	20	F	

CDS380  
11/11/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

CONTINUOUS SYSTEM CRASH LISTING

161: WOODBURN-ESTACADA

**Highway 161 ALL ROAD TYPES, MP 11.53 to 11.57 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage**



**ACTION CODE TRANSLATION LIST**

<b>ACTION CODE</b>	<b>SHORT DESCRIPTION</b>	<b>LONG DESCRIPTION</b>
000	NONE	NO ACTION OR NON-WARRANTED
001	SKIDDED	SKIDDED
002	ON/OFF V	GETTING ON OR OFF STOPPED OR PARKED VEHICLE
003	LOAD OVR	OVERHANGING LOAD STRUCK ANOTHER VEHICLE, ETC.
006	SLOW DN	SLOWED DOWN
007	AVOIDING	AVOIDING MANEUVER
008	PAR PARK	PARALLEL PARKING
009	ANG PARK	ANGLE PARKING
010	INTERFERE	PASSENGER INTERFERING WITH DRIVER
011	STOPPED	STOPPED IN TRAFFIC NOT WAITING TO MAKE A LEFT TURN
012	STP/L TRN	STOPPED BECAUSE OF LEFT TURN SIGNAL OR WAITING, ETC.
013	STP TURN	STOPPED WHILE EXECUTING A TURN
014	EMR V PKD	EMERGENCY VEHICLE LEGALLY PARKED IN THE ROADWAY
015	GO A/STOP	PROCEED AFTER STOPPING FOR A STOP SIGN/FLASHING RED.
016	TRN A/RED	TURNED ON RED AFTER STOPPING
017	LOSTCTRL	LOST CONTROL OF VEHICLE
018	EXIT DWY	ENTERING STREET OR HIGHWAY FROM ALLEY OR DRIVEWAY
019	ENTR DWY	ENTERING ALLEY OR DRIVEWAY FROM STREET OR HIGHWAY
020	STR ENTR	BEFORE ENTERING ROADWAY, STRUCK PEDESTRIAN, ETC. ON SIDEWALK OR SHOULDER
021	NO DRVR	CAR RAN AWAY - NO DRIVER
022	PREV COL	STRUCK, OR WAS STRUCK BY, VEHICLE OR PEDESTRIAN IN PRIOR COLLISION BEFORE ACC. STABILIZED
023	STALLED	VEHICLE STALLED OR DISABLED
024	DRVR DEAD	DEAD BY UNASSOCIATED CAUSE
025	FATIGUE	FATIGUED, SLEEPY, ASLEEP
026	SUN	DRIVER BLINDED BY SUN
027	HDLGHTS	DRIVER BLINDED BY HEADLIGHTS
028	ILLNESS	PHYSICALLY ILL
029	THRU MED	VEHICLE CROSSED, PLUNGED OVER, OR THROUGH MEDIAN BARRIER
030	PURSUIT	PURSUIING OR ATTEMPTING TO STOP A VEHICLE
031	PASSING	PASSING SITUATION
032	PRKOFFRD	VEHICLE PARKED BEYOND CURB OR SHOULDER
033	CROS MED	VEHICLE CROSSED EARTH OR GRASS MEDIAN
034	X N/SGNL	CROSSING AT INTERSECTION - NO TRAFFIC SIGNAL PRESENT
035	X W/ SGNL	CROSSING AT INTERSECTION - TRAFFIC SIGNAL PRESENT
036	DIAGONAL	CROSSING AT INTERSECTION - DIAGONALLY
037	BTWN INT	CROSSING BETWEEN INTERSECTIONS
038	DISTRACT	DRIVER'S ATTENTION DISTRACTED
039	W/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER WITH TRAFFIC
040	A/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER FACING TRAFFIC
041	W/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT WITH TRAFFIC
042	A/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT FACING TRAFFIC
043	PLAYINRD	PLAYING IN STREET OR ROAD
044	PUSH MV	PUSHING OR WORKING ON VEHICLE IN ROAD OR ON SHOULDER
045	WORK ON	WORKING IN ROADWAY OR ALONG SHOULDER
046	W/ TRAFIC	NON-MOTORIST WALKING, RUNNING, RIDING, ETC. WITH TRAFFIC
047	A/ TRAFIC	NON-MOTORIST WALKING, RUNNING, RIDING, ETC. FACING TRAFFIC
050	LAY ON RD	STANDING OR LYING IN ROADWAY
051	ENT OFFRD	ENTERING / STARTING IN TRAFFIC LANE FROM OFF ROAD
052	MERGING	MERGING
055	SPRAY	BLINDED BY WATER SPRAY

ACTION CODE TRANSLATION LIST

ACTION CODE	SHORT DESCRIPTION	LONG DESCRIPTION
088	OTHER	OTHER ACTION
099	UNK	UNKNOWN ACTION

CAUSE CODE TRANSLATION LIST

CAUSE CODE	SHORT DESCRIPTION	LONG DESCRIPTION
00	NO CODE	NO CAUSE ASSOCIATED AT THIS LEVEL
01	TOO-FAST	TOO FAST FOR CONDITIONS (NOT EXCEED POSTED SPEED)
02	NO-YIELD	DID NOT YIELD RIGHT-OF-WAY
03	PAS-STOP	PASSED STOP SIGN OR RED FLASHER
04	DIS SIG	DISREGARDED TRAFFIC SIGNAL
05	LEFT-CTR	DROVE LEFT OF CENTER ON TWO-WAY ROAD; STRADDLING
06	IMP-OVER	IMPROPER OVERTAKING
07	TOO-CLOS	FOLLOWED TOO CLOSELY
08	IMP-TURN	MADE IMPROPER TURN
09	DRINKING	ALCOHOL OR DRUG INVOLVED
10	OTHR-IMP	OTHER IMPROPER DRIVING
11	MECH-DEF	MECHANICAL DEFECT
12	OTHER	OTHER (NOT IMPROPER DRIVING)
13	IMP LN C	IMPROPER CHANGE OF TRAFFIC LANES
14	DIS TCD	DISREGARDED OTHER TRAFFIC CONTROL DEVICE
15	WRNG WAY	WRONG WAY ON ONE-WAY ROAD; WRONG SIDE DIVIDED RO
16	FATIGUE	DRIVER DROWSY/FATIGUED/SLEEPY
17	ILLNESS	PHYSICAL ILLNESS
18	IN RDWY	NON-MOTORIST ILLEGALLY IN ROADWAY
19	NT VISBL	NON-MOTORIST NOT VISIBLE; NON-REFLECTIVE CLOTHING
20	IMP PKNG	VEHICLE IMPROPERLY PARKED
21	DEF STER	DEFECTIVE STEERING MECHANISM
22	DEF BRKE	INADEQUATE OR NO BRAKES
24	LOADSHFT	VEHICLE LOST LOAD OR LOAD SHIFTED
25	TIREFAIL	TIRE FAILURE
26	PHANTOM	PHANTOM / NON-CONTACT VEHICLE
27	INATTENT	INATTENTION
28	NM INATT	NON-MOTORIST INATTENTION
29	F AVOID	FAILED TO AVOID VEHICLE AHEAD
30	SPEED	DRIVING IN EXCESS OF POSTED SPEED
31	RACING	SPEED RACING (PER PAR)
32	CARELESS	CARELESS DRIVING (PER PAR)
33	RECKLESS	RECKLESS DRIVING (PER PAR)
34	AGGRESV	AGGRESSIVE DRIVING (PER PAR)
35	RD RAGE	ROAD RAGE (PER PAR)
40	VIEW OBS	VIEW OBSCURED
50	USED MDN	IMPROPER USE OF MEDIAN OR SHOULDER
51	FAIL LN	FAILED TO MAINTAIN LANE
52	OFF RD	RAN OFF ROAD

COLLISION TYPE CODE TRANSLATION LIST

COLL CODE	SHORT DESCRIPTION	LONG DESCRIPTION
&	OTH	MISCELLANEOUS
-	BACK	BACKING
0	PED	PEDESTRIAN
1	ANGL	ANGLE
2	HEAD	HEAD-ON
3	REAR	REAR-END
4	SS-M	SIDESWIPE - MEETING
5	SS-O	SIDESWIPE - OVERTAKING
6	TURN	TURNING MOVEMENT
7	PARK	PARKING MANEUVER
8	NCOL	NON-COLLISION
9	FIX	FIXED OBJECT OR OTHER OBJECT

CRASH TYPE CODE TRANSLATION LIST

CRASH TYPE	SHORT DESCRIPTION	LONG DESCRIPTION
&	OVERTURN	OVERTURNED
0	NON-COLL	OTHER NON-COLLISION
1	OTH RDWY	MOTOR VEHICLE ON OTHER ROADWAY
2	PRKD MV	PARKED MOTOR VEHICLE
3	PED	PEDESTRIAN
4	TRAIN	RAILWAY TRAIN
6	BIKE	PEDALCYCLIST
7	ANIMAL	ANIMAL
8	FIX OBJ	FIXED OBJECT
9	OTH OBJ	OTHER OBJECT
A	ANGL-STP	ENTERING AT ANGLE - ONE VEHICLE STOPPED
B	ANGL-OTH	ENTERING AT ANGLE - ALL OTHERS
C	S-STRGHT	FROM SAME DIRECTION - BOTH GOING STRAIGHT
D	S-1TURN	FROM SAME DIRECTION - ONE TURN, ONE STRAIGHT
E	S-1STOP	FROM SAME DIRECTION - ONE STOPPED
F	S-OTHER	FROM SAME DIRECTION-ALL OTHERS, INCLUDING PARKING
G	O-STRGHT	FROM OPPOSITE DIRECTION - BOTH GOING STRAIGHT
H	O-1 L-TURN	FROM OPPOSITE DIRECTION-ONE LEFT TURN, ONE STRAIGHT
I	O-1STOP	FROM OPPOSITE DIRECTION - ONE STOPPED
J	O-OTHER	FROM OPPOSITE DIRECTION-ALL OTHERS INCL. PARKING

DRIVER LICENSE CODE TRANSLATION LIST

LIC CODE	SHORT DESC	LONG DESCRIPTION
0	NONE	NOT LICENSED (HAD NEVER BEEN LICENSED)
1	OR-Y	VALID OREGON LICENSE
2	OTH-Y	VALID LICENSE, OTHER STATE OR COUNTRY
3	SUSP	SUSPENDED/REVOKED
4	EXP	EXPIRED
8	N-VAL	OTHER NON-VALID LICENSE
9	UNK	UNKNOWN IF DRIVER WAS LICENSED AT TIME OF CRASH

DRIVER RESIDENCE CODE TRANSLATION LIST

RES CODE	SHORT DESC	LONG DESCRIPTION
1	OR<25	OREGON RESIDENT WITHIN 25 MILE OF HOME
2	OR>25	OREGON RESIDENT 25 OR MORE MILES FROM HOME
3	OR-?	OREGON RESIDENT - UNKNOWN DISTANCE FROM HOME
4	N-RES	NON-RESIDENT
9	UNK	UNKNOWN IF OREGON RESIDENT

ERROR CODE TRANSLATION LIST

ERROR CODE	SHORT DESCRIPTION	FULL DESCRIPTION
000	NONE	NO ERROR
001	WIDE TRN	WIDE TURN
002	CUT CORN	CUT CORNER ON TURN
003	FAIL TRN	FAILED TO OBEY MANDATORY TRAFFIC TURN SIGNAL, SIGN OR LANE MARKINGS
004	L IN TRF	LEFT TURN IN FRONT OF ONCOMING TRAFFIC
005	L PROHIB	LEFT TURN WHERE PROHIBITED
006	FRM WRNG	TURNTD FROM WRONG LANE
007	TO WRONG	TURNTD INTO WRONG LANE
008	ILLEG U	U-TURNTD ILLEGALLY
009	IMP STOP	IMPROPERLY STOPPED IN TRAFFIC LANE
010	IMP SIG	IMPROPER SIGNAL OR FAILURE TO SIGNAL
011	IMP BACK	BACKING IMPROPERLY (NOT PARKING)
012	IMP PARK	IMPROPERLY PARKED
013	UNPARK	IMPROPER START LEAVING PARKED POSITION
014	IMP STRT	IMPROPER START FROM STOPPED POSITION
015	IMP LGHT	IMPROPER OR NO LIGHTS (VEHICLE IN TRAFFIC)
016	INATTENT	INATTENTION (FAILURE TO DIM LIGHTS PRIOR TO 4/1/97)
017	UNSF VEH	DRIVING UNSAFE VEHICLE (NO OTHER ERROR APPARENT)
018	OTH PARK	ENTERING/EXITING PARKED POSITION W/ INSUFFICIENT CLEARANCE; OTHER IMPROPER PARKING MANEUVER
019	DIS DRIV	DISREGARDED OTHER DRIVER'S SIGNAL
020	DIS SGNL	DISREGARDED TRAFFIC SIGNAL
021	RAN STOP	DISREGARDED STOP SIGN OR FLASHING RED
022	DIS SIGN	DISREGARDED WARNING SIGN, FLARES OR FLASHING AMBER
023	DIS OFCR	DISREGARDED POLICE OFFICER OR FLAGMAN
024	DIS EMER	DISREGARDED SIREN OR WARNING OF EMERGENCY VEHICLE
025	DIS RR	DISREGARDED RR SIGNAL, RR SIGN, OR RR FLAGMAN
026	REAR-END	FAILED TO AVOID STOPPED OR PARKED VEHICLE AHEAD OTHER THAN SCHOOL BUS
027	BIKE ROW	DID NOT HAVE RIGHT-OF-WAY OVER PEDALCYCLIST
028	NO ROW	DID NOT HAVE RIGHT-OF-WAY
029	PED ROW	FAILED TO YIELD RIGHT-OF-WAY TO PEDESTRIAN
030	PAS CURV	PASSING ON A CURVE
031	PAS WRNG	PASSING ON THE WRONG SIDE
032	PAS TANG	PASSING ON STRAIGHT ROAD UNDER UNSAFE CONDITIONS
033	PAS X-WK	PASSED VEHICLE STOPPED AT CROSSWALK FOR PEDESTRIAN
034	PAS INTR	PASSING AT INTERSECTION
035	PAS HILL	PASSING ON CREST OF HILL
036	N/PAS ZN	PASSING IN "NO PASSING" ZONE
037	PAS TRAF	PASSING IN FRONT OF ONCOMING TRAFFIC
038	CUT-IN	CUTTING IN (TWO LANES - TWO WAY ONLY)
039	WRNGSIDE	DRIVING ON WRONG SIDE OF THE ROAD (2-WAY UNDIVIDED ROADWAYS)
040	THRU MED	DRIVING THROUGH SAFETY ZONE OR OVER ISLAND
041	F/ST BUS	FAILED TO STOP FOR SCHOOL BUS

ERROR CODE TRANSLATION LIST

ERROR CODE	SHORT DESCRIPTION	FULL DESCRIPTION
042	F/SLO MV	FAILED TO DECREASE SPEED FOR SLOWER MOVING VEHICLE
043	TOO CLOSE	FOLLOWING TOO CLOSELY (MUST BE ON OFFICER'S REPORT)
044	STRDL LN	STRADDLING OR DRIVING ON WRONG LANES
045	IMP CHG	IMPROPER CHANGE OF TRAFFIC LANES
046	WRNG WAY	WRONG WAY ON ONE-WAY ROADWAY; WRONG SIDE DIVIDED ROAD
047	BASCRULE	DRIVING TOO FAST FOR CONDITIONS (NOT EXCEEDING POSTED SPEED)
048	OPN DOOR	OPENED DOOR INTO ADJACENT TRAFFIC LANE
049	IMPEDING	IMPEDING TRAFFIC
050	SPEED	DRIVING IN EXCESS OF POSTED SPEED
051	RECKLESS	RECKLESS DRIVING (PER PAR)
052	CARELESS	CARELESS DRIVING (PER PAR)
053	RACING	SPEED RACING (PER PAR)
054	X N/SGNL	CROSSING AT INTERSECTION, NO TRAFFIC SIGNAL PRESENT
055	X W/SGNL	CROSSING AT INTERSECTION, TRAFFIC SIGNAL PRESENT
056	DIAGONAL	CROSSING AT INTERSECTION - DIAGONALLY
057	BTWN INT	CROSSING BETWEEN INTERSECTIONS
059	W/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER WITH TRAFFIC
060	A/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER FACING TRAFFIC
061	W/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT WITH TRAFFIC
062	A/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT FACING TRAFFIC
063	PLAYINRD	PLAYING IN STREET OR ROAD
064	PUSH MV	PUSHING OR WORKING ON VEHICLE IN ROAD OR ON SHOULDER
065	WORK IN RD	WORKING IN ROADWAY OR ALONG SHOULDER
070	LAY ON RD	STANDING OR LYING IN ROADWAY
071	NM IMP USE	IMPROPER USE OF TRAFFIC LANE BY NON-MOTORIST
073	ELUDING	ELUDING / ATTEMPT TO ELUDE
079	F NEG CURV	FAILED TO NEGOTIATE A CURVE
080	FAIL LN	FAILED TO MAINTAIN LANE
081	OFF RD	RAN OFF ROAD
082	NO CLEAR	DRIVER MISJUDGED CLEARANCE
083	OVRSTEER	OVER-CORRECTING
084	NOT USED	CODE NOT IN USE
085	OVRLOAD	OVERLOADING OR IMPROPER LOADING OF VEHICLE WITH CARGO OR PASSENGERS
097	UNA DIS TC	UNABLE TO DETERMINE WHICH DRIVER DISREGARDED TRAFFIC CONTROL DEVICE

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
001	FEL/JUMP	OCCUPANT FELL, JUMPED OR WAS EJECTED FROM MOVING VEHICLE
002	INTERFER	PASSENGER INTERFERED WITH DRIVER
003	BUG INTF	ANIMAL OR INSECT IN VEHICLE INTERFERED WITH DRIVER
004	INDRCT PED	PEDESTRIAN INDIRECTLY INVOLVED (NOT STRUCK)
005	SUB-PED	"SUB-PED": PEDESTRIAN INJURED SUBSEQUENT TO COLLISION, ETC.
006	INDRCT BIK	PEDALCYCLIST INDIRECTLY INVOLVED (NOT STRUCK)
007	HITCHIKR	HITCHHIKER (SOLICITING A RIDE)
008	PSNGR TOW	PASSENGER OR NON-MOTORIST BEING TOWED OR PUSHED ON CONVEYANCE
009	ON/OFF V	GETTING ON/OFF STOPPED/PARKED VEHICLE (OCCUPANTS ONLY; MUST HAVE PHYSICAL CONTACT W/ VEHICLE)
010	SUB OTRN	OVERTURNED AFTER FIRST HARMFUL EVENT
011	MV PUSHD	VEHICLE BEING PUSHED
012	MV TOWED	VEHICLE TOWED OR HAD BEEN TOWING ANOTHER VEHICLE
013	FORCED	VEHICLE FORCED BY IMPACT INTO ANOTHER VEHICLE, PEDALCYCLIST OR PEDESTRIAN
014	SET MOTN	VEHICLE SET IN MOTION BY NON-DRIVER (CHILD RELEASED BRAKES, ETC.)
015	RR ROW	AT OR ON RAILROAD RIGHT-OF-WAY (NOT LIGHT RAIL)
016	LT RL ROW	AT OR ON LIGHT-RAIL RIGHT-OF-WAY
017	RR HIT V	TRAIN STRUCK VEHICLE
018	V HIT RR	VEHICLE STRUCK TRAIN
019	HIT RR CAR	VEHICLE STRUCK RAILROAD CAR ON ROADWAY
020	JACKKNIFE	JACKKNIFE; TRAILER OR TOWED VEHICLE STRUCK TOWING VEHICLE
021	TRL OTRN	TRAILER OR TOWED VEHICLE OVERTURNED
022	CN BROKE	TRAILER CONNECTION BROKE
023	DETACH TRL	DETACHED TRAILING OBJECT STRUCK OTHER VEHICLE, NON-MOTORIST, OR OBJECT
024	V DOOR OPN	VEHICLE DOOR OPENED INTO ADJACENT TRAFFIC LANE
025	WHEELOFF	WHEEL CAME OFF
026	HOOD UP	HOOD FLEW UP
028	LOAD SHIFT	LOST LOAD, LOAD MOVED OR SHIFTED
029	TIREFAIL	TIRE FAILURE
030	PET	PET: CAT, DOG AND SIMILAR
031	LVSTOCK	STOCK: COW, CALF, BULL, STEER, SHEEP, ETC.
032	HORSE	HORSE, MULE, OR DONKEY
033	HRSE&RID	HORSE AND RIDER
034	GAME	WILD ANIMAL, GAME (INCLUDES BIRDS; NOT DEER OR ELK)
035	DEER ELK	DEER OR ELK, WAPITI
036	ANML VEH	ANIMAL-DRAWN VEHICLE
037	CULVERT	CULVERT, OPEN LOW OR HIGH MANHOLE
038	ATENUATN	IMPACT ATTENUATOR
039	PK METER	PARKING METER
040	CURB	CURB (ALSO NARROW SIDEWALKS ON BRIDGES)
041	JIGGLE	JIGGLE BAR OR TRAFFIC SNAKE FOR CHANNELIZATION
042	GDRL END	LEADING EDGE OF GUARDRAIL
043	GARDRAIL	GUARD RAIL (NOT METAL MEDIAN BARRIER)
044	BARRIER	MEDIAN BARRIER (RAISED OR METAL)
045	WALL	RETAINING WALL OR TUNNEL WALL
046	BR RAIL	BRIDGE RAILING OR PARAPET (ON BRIDGE OR APPROACH)
047	BR ABUTMNT	BRIDGE ABUTMENT (INCLUDED "APPROACH END" THRU 2013)
048	BR COLMN	BRIDGE PILLAR OR COLUMN
049	BR GIRDR	BRIDGE GIRDER (HORIZONTAL BRIDGE STRUCTURE OVERHEAD)
050	ISLAND	TRAFFIC RAISED ISLAND
051	GORE	GORE
052	POLE UNK	POLE - TYPE UNKNOWN
053	POLE UTL	POLE - POWER OR TELEPHONE
054	ST LIGHT	POLE - STREET LIGHT ONLY
055	TRF SGNL	POLE - TRAFFIC SIGNAL AND PED SIGNAL ONLY
056	SGN BRDG	POLE - SIGN BRIDGE
057	STOPSIGN	STOP OR YIELD SIGN
058	OTH SIGN	OTHER SIGN, INCLUDING STREET SIGNS
059	HYDRANT	HYDRANT

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
060	MARKER	DELINEATOR OR MARKER (REFLECTOR POSTS)
061	MAILBOX	MAILBOX
062	TREE	TREE, STUMP OR SHRUBS
063	VEG OHED	TREE BRANCH OR OTHER VEGETATION OVERHEAD, ETC.
064	WIRE/CBL	WIRE OR CABLE ACROSS OR OVER THE ROAD
065	TEMP SGN	TEMPORARY SIGN OR BARRICADE IN ROAD, ETC.
066	PERM SGN	PERMANENT SIGN OR BARRICADE IN/OFF ROAD
067	SLIDE	SLIDES, FALLEN OR FALLING ROCKS
068	FRGN OBJ	FOREIGN OBSTRUCTION/DEBRIS IN ROAD (NOT GRAVEL)
069	EQP WORK	EQUIPMENT WORKING IN/OFF ROAD
070	OTH EQP	OTHER EQUIPMENT IN OR OFF ROAD (INCLUDES PARKED TRAILER, BOAT)
071	MAIN EQP	WRECKER, STREET SWEEPER, SNOW PLOW OR SANDING EQUIPMENT
072	OTHER WALL	ROCK, BRICK OR OTHER SOLID WALL
073	IRRG L PVM T	OTHER BUMP (NOT SPEED BUMP), POTHOLE OR PAVEMENT IRREGULARITY (PER PAR)
074	OVERHD OBJ	OTHER OVERHEAD OBJECT (HIGHWAY SIGN, SIGNAL HEAD, ETC.); NOT BRIDGE
075	CAVE IN	BRIDGE OR ROAD CAVE IN
076	HI WATER	HIGH WATER
077	SNO BANK	SNOW BANK
078	LO-HI EDGE	LOW OR HIGH SHOULDER AT PAVEMENT EDGE
079	DITCH	CUT SLOPE OR DITCH EMBANKMENT
080	OBJ FRM MV	STRUCK BY ROCK OR OTHER OBJECT SET IN MOTION BY OTHER VEHICLE (INCL. LOST LOADS)
081	FLY-OBJ	STRUCK BY ROCK OR OTHER MOVING OR FLYING OBJECT (NOT SET IN MOTION BY VEHICLE)
082	VEH HID	VEHICLE OBSCURED VIEW
083	VEG HID	VEGETATION OBSCURED VIEW
084	BLDG HID	VIEW OBSCURED BY FENCE, SIGN, PHONE BOOTH, ETC.
085	WIND GUST	WIND GUST
086	IMMERSED	VEHICLE IMMERSED IN BODY OF WATER
087	FIRE/EXP	FIRE OR EXPLOSION
088	FENC/BLD	FENCE OR BUILDING, ETC.
089	OTHR CRASH	CRASH RELATED TO ANOTHER SEPARATE CRASH
090	TO 1 SIDE	TWO-WAY TRAFFIC ON DIVIDED ROADWAY ALL ROUTED TO ONE SIDE
091	BUILDING	BUILDING OR OTHER STRUCTURE
092	PHANTOM	OTHER (PHANTOM) NON-CONTACT VEHICLE
093	CELL PHONE	CELL PHONE (ON PAR OR DRIVER IN USE)
094	VIOL GDL	TEENAGE DRIVER IN VIOLATION OF GRADUATED LICENSE PGM
095	GUY WIRE	GUY WIRE
096	BERM	BERM (EARTHEN OR GRAVEL MOUND)
097	GRAVEL	GRAVEL IN ROADWAY
098	ABR EDGE	ABRUPT EDGE
099	CELL WTNSD	CELL PHONE USE WITNESSED BY OTHER PARTICIPANT
100	UNK FIXD	FIXED OBJECT, UNKNOWN TYPE.
101	OTHER OBJ	NON-FIXED OBJECT, OTHER OR UNKNOWN TYPE
102	TEXTING	TEXTING
103	WZ WORKER	WORK ZONE WORKER
104	ON VEHICLE	PASSENGER RIDING ON VEHICLE EXTERIOR
105	PEDAL PSGR	PASSENGER RIDING ON PEDALCYCLE
106	MAN WHLCHR	PEDESTRIAN IN NON-MOTORIZED WHEELCHAIR
107	MTR WHLCHR	PEDESTRIAN IN MOTORIZED WHEELCHAIR
108	OFFICER	LAW ENFORCEMENT / POLICE OFFICER
109	SUB-BIKE	"SUB-BIKE": PEDALCYCLIST INJURED SUBSEQUENT TO COLLISION, ETC.
110	N-MTR	NON-MOTORIST STRUCK VEHICLE
111	S CAR VS V	STREET CAR/TROLLEY (ON RAILS OR OVERHEAD WIRE SYSTEM) STRUCK VEHICLE
112	V VS S CAR	VEHICLE STRUCK STREET CAR/TROLLEY (ON RAILS OR OVERHEAD WIRE SYSTEM)
113	S CAR ROW	AT OR ON STREET CAR OR TROLLEY RIGHT-OF-WAY
114	RR EQUIP	VEHICLE STRUCK RAILROAD EQUIPMENT (NOT TRAIN) ON TRACKS
115	DSTRCT GPS	DISTRACTED BY NAVIGATION SYSTEM OR GPS DEVICE
116	DSTRCT OTH	DISTRACTED BY OTHER ELECTRONIC DEVICE
117	RR GATE	RAIL CROSSING DROP-ARM GATE

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
118	EXPNSN JNT	EXPANSION JOINT
119	JERSEY BAR	JERSEY BARRIER
120	WIRE BAR	WIRE OR CABLE MEDIAN BARRIER
121	FENCE	FENCE
123	OBJ IN VEH	LOOSE OBJECT IN VEHICLE STRUCK OCCUPANT
124	SLIPPERY	SLIDING OR SWERVING DUE TO WET, ICY, SLIPPERY OR LOOSE SURFACE (NOT GRAVEL)
125	SHLDR	SHOULDER GAVE WAY
126	BOULDER	ROCK(S), BOULDER (NOT GRAVEL; NOT ROCK SLIDE)
127	LAND SLIDE	ROCK SLIDE OR LAND SLIDE
128	CURVE INV	CURVE PRESENT AT CRASH LOCATION
129	HILL INV	VERTICAL GRADE / HILL PRESENT AT CRASH LOCATION
130	CURVE HID	VIEW OBSCURED BY CURVE
131	HILL HID	VIEW OBSCURED BY VERTICAL GRADE / HILL
132	WINDOW HID	VIEW OBSCURED BY VEHICLE WINDOW CONDITIONS
133	SPRAY HID	VIEW OBSCURED BY WATER SPRAY
134	TORRENTIAL	TORRENTIAL RAIN (EXCEPTIONALLY HEAVY RAIN)



FUNCTIONAL CLASSIFICATION TRANSLATION LIST

FUNC CLASS	DESCRIPTION
01	RURAL PRINCIPAL ARTERIAL - INTERSTATE
02	RURAL PRINCIPAL ARTERIAL - OTHER
06	RURAL MINOR ARTERIAL
07	RURAL MAJOR COLLECTOR
08	RURAL MINOR COLLECTOR
09	RURAL LOCAL
11	URBAN PRINCIPAL ARTERIAL - INTERSTATE
12	URBAN PRINCIPAL ARTERIAL - OTHER FREEWAYS AND EXP
14	URBAN PRINCIPAL ARTERIAL - OTHER
16	URBAN MINOR ARTERIAL
17	URBAN MAJOR COLLECTOR
18	URBAN MINOR COLLECTOR
19	URBAN LOCAL
78	UNKNOWN RURAL SYSTEM
79	UNKNOWN RURAL NON-SYSTEM
98	UNKNOWN URBAN SYSTEM
99	UNKNOWN URBAN NON-SYSTEM

HIGHWAY COMPONENT TRANSLATION LIST

CODE	DESCRIPTION
0	MAINLINE STATE HIGHWAY
1	COUPLET
3	FRONTAGE ROAD
6	CONNECTION
8	HIGHWAY - OTHER

INJURY SEVERITY CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
1	KILL	FATAL INJURY
2	INJA	INCAPACITATING INJURY - BLEEDING, BROKEN BONES
3	INJB	NON-INCAPACITATING INJURY
4	INJC	POSSIBLE INJURY - COMPLAINT OF PAIN
5	PRI	DIED PRIOR TO CRASH
7	NO<5	NO INJURY - 0 TO 4 YEARS OF AGE
9	NONE	PARTICIPANT UNINJURED, OVER THE AGE OF 4

LIGHT CONDITION CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	DAY	DAYLIGHT
2	DLIT	DARKNESS - WITH STREET LIGHTS
3	DARK	DARKNESS - NO STREET LIGHTS
4	DAWN	DAWN (TWILIGHT)
5	DUSK	DUSK (TWILIGHT)

MEDIAN TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	NONE	NO MEDIAN
1	RSDMD	SOLID MEDIAN BARRIER
2	DIVMD	EARTH, GRASS OR PAVED MEDIAN

MILEAGE TYPE CODE TRANSLATION LIST

CODE	LONG DESCRIPTION
0	REGULAR MILEAGE
T	TEMPORARY
Y	SPUR
Z	OVERLAPPING

**MOVEMENT TYPE CODE TRANSLATION LIST**

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	STRGHT	STRAIGHT AHEAD
2	TURN-R	TURNING RIGHT
3	TURN-L	TURNING LEFT
4	U-TURN	MAKING A U-TURN
5	BACK	BACKING
6	STOP	STOPPED IN TRAFFIC
7	PRKD-P	PARKED - PROPERLY
8	PRKD-I	PARKED - IMPROPERLY
9	PARKNG	PARKING MANEUVER

**PARTICIPANT TYPE CODE TRANSLATION LIST**

CODE	SHORT DESC	LONG DESCRIPTION
0	OCC	UNKNOWN OCCUPANT TYPE
1	DRVR	DRIVER
2	PSNG	PASSENGER
3	PED	PEDESTRIAN
4	CONV	PEDESTRIAN USING A PEDESTRIAN CONVEYANCE
5	PTOW	PEDESTRIAN TOWING OR TRAILERING AN OBJECT
6	BIKE	PEDALCYCLIST
7	BTOW	PEDALCYCLIST TOWING OR TRAILERING AN OBJECT
8	PRKD	OCCUPANT OF A PARKED MOTOR VEHICLE
9	UNK	UNKNOWN TYPE OF NON-MOTORIST

**NON-MOTORIST LOCATION CODE TRANSLATION LIST**

CODE	LONG DESCRIPTION
00	AT INTERSECTION - NOT IN ROADWAY
01	AT INTERSECTION - INSIDE CROSSWALK
02	AT INTERSECTION - IN ROADWAY, OUTSIDE CROSSWALK
03	AT INTERSECTION - IN ROADWAY, XWALK AVAIL UNKNWN
04	NOT AT INTERSECTION - IN ROADWAY
05	NOT AT INTERSECTION - ON SHOULDER
06	NOT AT INTERSECTION - ON MEDIAN
07	NOT AT INTERSECTION - WITHIN TRAFFIC RIGHT-OF-WAY
08	NOT AT INTERSECTION - IN BIKE PATH OR PARKING LANE
09	NOT-AT INTERSECTION - ON SIDEWALK
10	OUTSIDE TRAFFICWAY BOUNDARIES
13	AT INTERSECTION - IN BIKE LANE
14	NOT AT INTERSECTION - IN BIKE LANE
15	NOT AT INTERSECTION - INSIDE MID-BLOCK CROSSWALK
16	NOT AT INTERSECTION - IN PARKING LANE
18	OTHER, NOT IN ROADWAY
99	UNKNOWN LOCATION

**TRAFFIC CONTROL DEVICE CODE TRANSLATION LIST**

CODE	SHORT DESC	LONG DESCRIPTION
000	NONE	NO CONTROL
001	TRF SIGNAL	TRAFFIC SIGNALS
002	FLASHBCN-R	FLASHING BEACON - RED (STOP)
003	FLASHBCN-A	FLASHING BEACON - AMBER (SLOW)
004	STOP SIGN	STOP SIGN
005	SLOW SIGN	SLOW SIGN
006	REG-SIGN	REGULATORY SIGN
007	YIELD	YIELD SIGN
008	WARNING	WARNING SIGN
009	CURVE	CURVE SIGN
010	SCHL X-ING	SCHOOL CROSSING SIGN OR SPECIAL SIGNAL
011	OFCR/FLAG	POLICE OFFICER, FLAGMAN - SCHOOL PATROL
012	BRDG-GATE	BRIDGE GATE - BARRIER
013	TEMP-BARR	TEMPORARY BARRIER
014	NO-PASS-ZN	NO PASSING ZONE
015	ONE-WAY	ONE-WAY STREET
016	CHANNEL	CHANNELIZATION
017	MEDIAN BAR	MEDIAN BARRIER
018	PILOT CAR	PILOT CAR
019	SP PED SIG	SPECIAL PEDESTRIAN SIGNAL
020	X-BUCK	CROSSBUCK
021	THR-GN-SIG	THROUGH GREEN ARROW OR SIGNAL
022	L-GRN-SIG	LEFT TURN GREEN ARROW, LANE MARKINGS, OR SIGNAL
023	R-GRN-SIG	RIGHT TURN GREEN ARROW, LANE MARKINGS, OR SIGNAL
024	WIGWAG	WIGWAG OR FLASHING LIGHTS W/O DROP-ARM GATE
025	X-BUCK WRN	CROSSBUCK AND ADVANCE WARNING
026	WW W/ GATE	FLASHING LIGHTS WITH DROP-ARM GATES
027	OVHRD SGNL	SUPPLEMENTAL OVERHEAD SIGNAL (RR XING ONLY)
028	SP RR STOP	SPECIAL RR STOP SIGN
029	ILUM GRD X	ILLUMINATED GRADE CROSSING
037	RAMP METER	METERED RAMPS
038	RUMBLE STR	RUMBLE STRIP
090	L-TURN REF	LEFT TURN REFUGE (WHEN REFUGE IS INVOLVED)
091	R-TURN ALL	RIGHT TURN AT ALL TIMES SIGN, ETC.
092	EMR SGN/FL	EMERGENCY SIGNS OR FLARES
093	ACCEL LANE	ACCELERATION OR DECELERATION LANES
094	R-TURN PRO	RIGHT TURN PROHIBITED ON RED AFTER STOPPING
095	BUS STPSGN	BUS STOP SIGN AND RED LIGHTS
099	UNKNOWN	UNKNOWN OR NOT DEFINITE

**ROAD CHARACTER CODE TRANSLATION LIST**

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	INTER	INTERSECTION
2	ALLEY	DRIVEWAY OR ALLEY
3	STRGHT	STRAIGHT ROADWAY
4	TRANS	TRANSITION
5	CURVE	CURVE (HORIZONTAL CURVE)
6	OPENAC	OPEN ACCESS OR TURNOUT
7	GRADE	GRADE (VERTICAL CURVE)
8	BRIDGE	BRIDGE STRUCTURE
9	TUNNEL	TUNNEL

VEHICLE TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
00	PDO	NOT COLLECTED FOR PDO CRASHES
01	PSNGR CAR	PASSENGER CAR, PICKUP, LIGHT DELIVERY, ETC.
02	BOBTAIL	TRUCK TRACTOR WITH NO TRAILERS (BOBTAIL)
03	FARM TRCTR	FARM TRACTOR OR SELF-PROPELLED FARM EQUIPMENT
04	SEMI TOW	TRUCK TRACTOR WITH TRAILER/MOBILE HOME IN TOW
05	TRUCK	TRUCK WITH NON-DETACHABLE BED, PANEL, ETC.
06	MOPED	MOPED, MINIBIKE, SEATED MOTOR SCOOTER, MOTOR BIKE
07	SCHL BUS	SCHOOL BUS (INCLUDES VAN)
08	OTH BUS	OTHER BUS
09	MTRCYCLE	MOTORCYCLE, DIRT BIKE
10	OTHER	OTHER: FORKLIFT, BACKHOE, ETC.
11	MOTRHOME	MOTORHOME
12	TROLLEY	MOTORIZED STREET CAR/TROLLEY (NO RAILS/WIRES)
13	ATV	ATV
14	MTRSCTR	MOTORIZED SCOOTER (STANDING)
15	SNOWMOBILE	SNOWMOBILE
99	UNKNOWN	UNKNOWN VEHICLE TYPE

WEATHER CONDITION CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	CLR	CLEAR
2	CLD	CLOUDY
3	RAIN	RAIN
4	SLT	SLEET
5	FOG	FOG
6	SNOW	SNOW
7	DUST	DUST
8	SMOK	SMOKE
9	ASH	ASH

## **Exhibit F: Oregon Department of State Lands Wetland Delineation Concurrence**

---

---



# Oregon

Tina Kotek, Governor

**Department of State Lands**

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

April 19, 2023

Nigel Dean  
6400 SE 101st Avenue X4  
Portland, OR 97266

**State Land Board**

Tina Kotek  
Governor

Re: WD # 2023-0020 **Approved**  
Wetland Delineation Report for Dean Molalla  
Clackamas County; T5S R2W S7D TLs 1300, 1400, 1500, 1600, and  
1700; City of Molalla Local Wetlands Inventory, Wetland BC-16A

Shemia Fagan  
Secretary of State

Tobias Read  
State Treasurer

Dear Nigel Dean:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Science & Assessment LLC for the site referenced above. Based upon the information presented in the report, we concur with the wetland and waterway boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (totaling approximately 0.31 acres) and a tributary of Bear Creek were identified. The wetland and tributary are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Clackamas County at (503) 798-7622.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", with a stylized flourish at the end.

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: Jack Dalton, Environmental Science & Assessment LLC  
City of Molalla Planning Department  
Kayla Woods, Corps of Engineers  
Katie Blauvelt, DSL

## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with [applicable review fee](#), are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

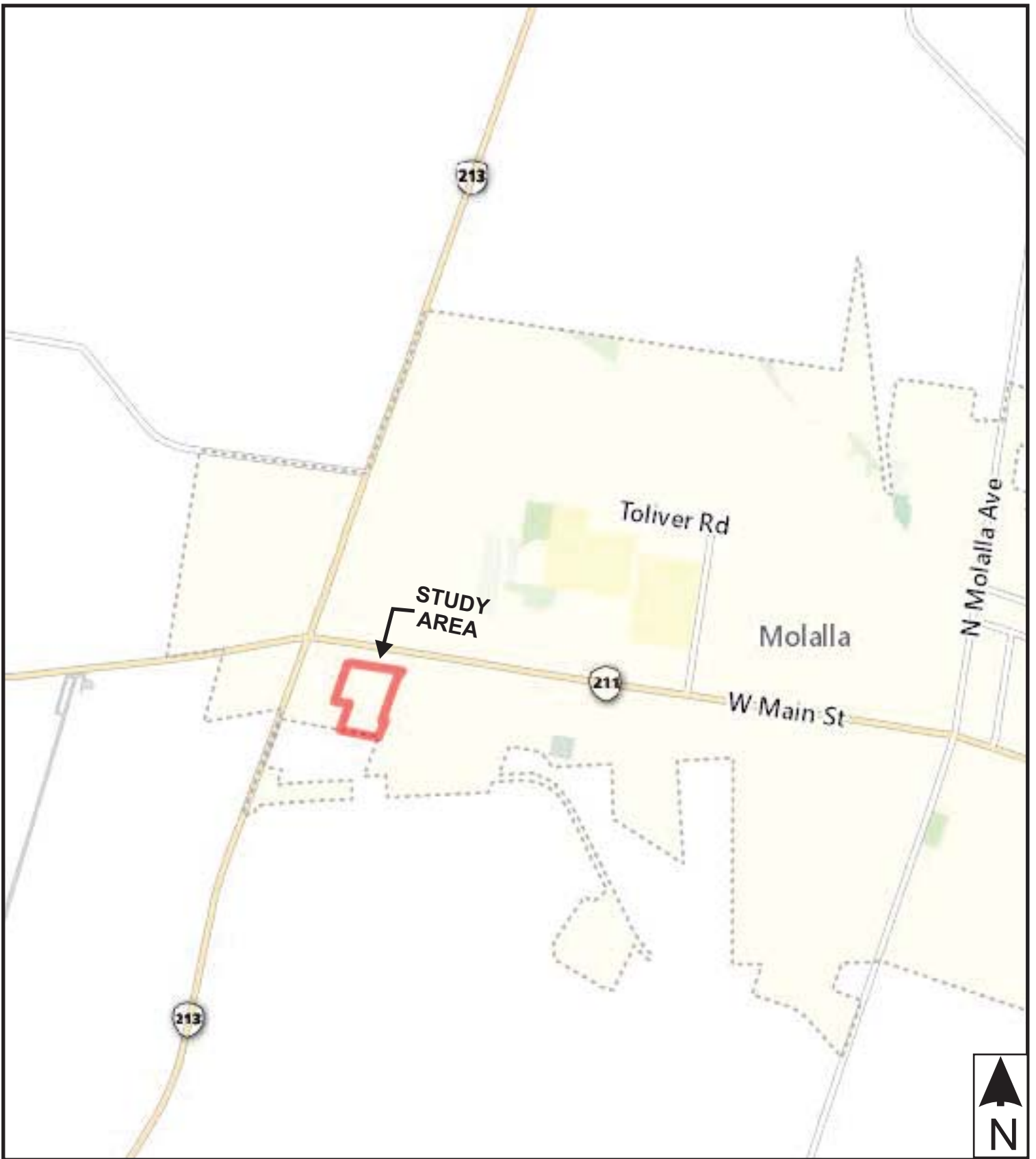
**Ways to submit report:**

- ❖ Under 50MB - A single unlocked PDF can be emailed to: [wetland.delineation@dsl.oregon.gov](mailto:wetland.delineation@dsl.oregon.gov).
- ❖ 50MB or larger - A single unlocked PDF can be uploaded to DSL's [Box.com](#) website. After upload notify DSL by email at: [wetland.delineation@dsl.oregon.gov](mailto:wetland.delineation@dsl.oregon.gov).
- ❖ OR a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.



**Ways to pay review fee:**

- ❖ By credit card on [DSL's epayment portal](#) after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Nigel Dean 6400 SE 101st Avenue X4 Portland, OR 97266	Business phone # Mobile phone # (optional) E-mail: <a href="mailto:nigel@deaninnovations.com">nigel@deaninnovations.com</a>
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different): ES&A LLC (Jack Dalton) 4831 NE Fremont Street, Ste 2B Portland, OR 97213	Business phone # (503) 478-0424 Mobile phone # (optional) (971) 413-6738 E-mail: <a href="mailto:jack@esapdx.com">jack@esapdx.com</a>
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Jack Dalton</u> Signature:	
Date: <u>01/13/2023</u> Special instructions regarding site access: <u>call mobile to make arrangements if necessary</u>	
Project and Site Information	
Project Name: <u>Dean Molalla</u>	Latitude: <u>45.149020</u> Longitude: <u>-122.603852</u> <b>decimal degree</b> - centroid of site or start & end points of linear project
Proposed Use: <u>Commercial</u>	Tax Map # <u>52E07D</u> Tax Lot(s) <u>1700, 1300, 1600</u> <u>1400, 1500</u>
Project Street Address (or other descriptive location): <u>West Main St &amp; Commerical Parkway</u>	Tax Map # _____ Tax Lot(s) _____ Township <u>5 South</u> Range <u>2 East</u> Section <u>7</u> <u>QQ SE 1/4</u> Use separate sheet for additional tax and location information
City: <u>Molalla</u> County: <u>Clackamas</u>	Waterway: <u>NA</u> River Mile: <u>NA</u>
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Jack Dalton Environmental Science & Assessment LLC 4831 NE Fremont Street, Ste 2B Portland, OR 97213	Phone # (503) 478-0424 Mobile phone # (if applicable) E-mail: <a href="mailto:jack@esapdx.com">jack@esapdx.com</a>
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: _____ <small>Digital Signature of Jack Dalton DN: cn=Jack Dalton, o=ES&amp;A LLC, ou=Environmental Science and Assessment, email=j.dalton@esapdx.com, c=US Date: 2023.01.13 15:15:17 -08:00</small>	Date: <u>01/13/2023</u>
Primary Contact for report review and site access is <input type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    Study Area size: <u>11.06</u> Total Wetland Acreage: <u>0.3110</u>	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted	<input type="checkbox"/> Fee payment submitted \$ _____
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____      Expiration date _____
<input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: <u>CS</u> Fee Paid Date: ____ / ____ / ____	DSL WD # <u>2023-0020</u>
Date Delineation Received: <u>01 / 16 / 2023</u>	DSL App.# _____



Source: Metro Data Resource Center. <http://gis.oregonmetro.gov/metromap/>

<p>Environmental Science &amp; Assessment, LLC</p> 	<p>Vicinity Map Dean's Molalla, Oregon</p>	<p>Figure 1</p> 
--	--	---

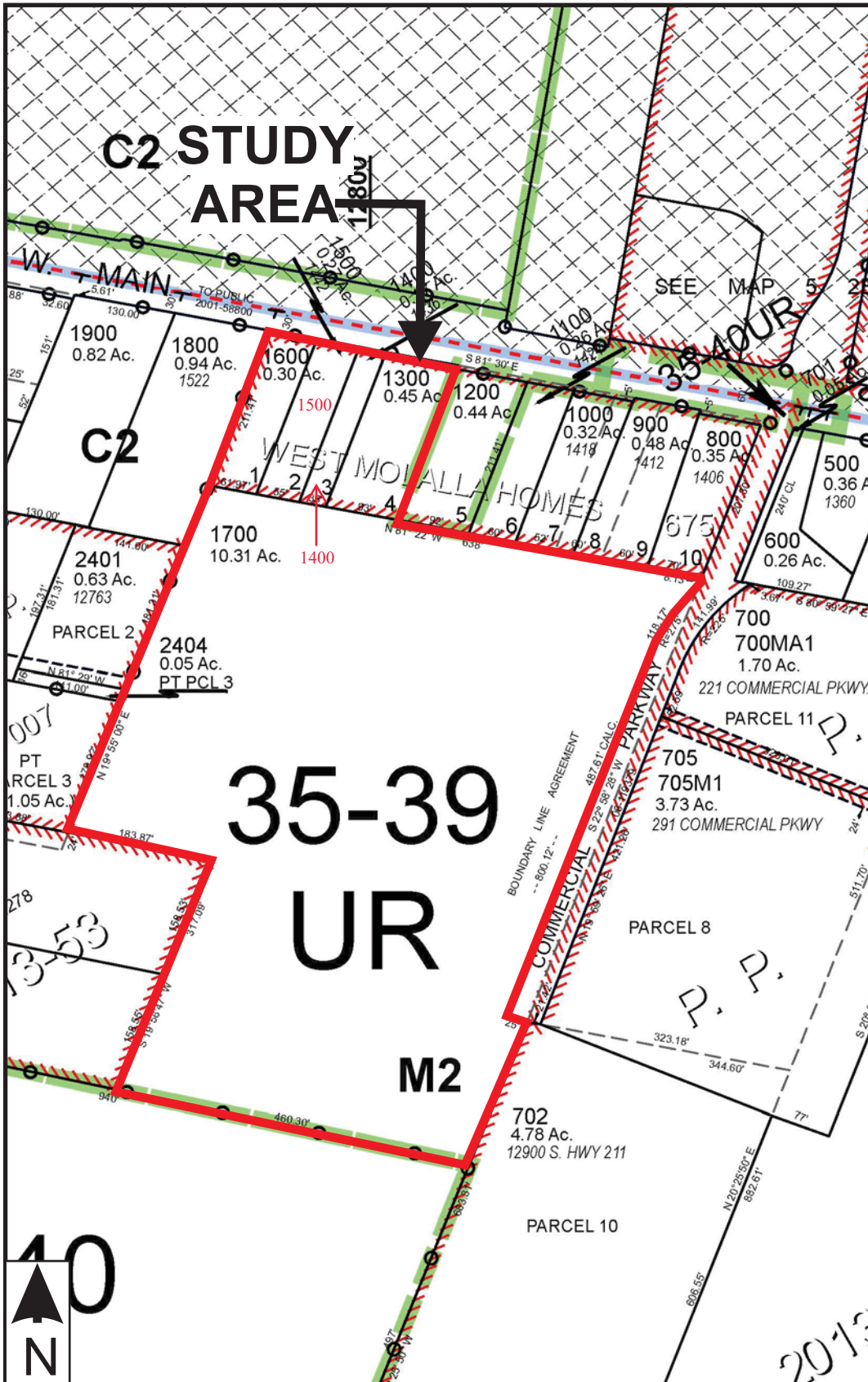


S.E. 1/4 SEC. 7 T.5S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 200'

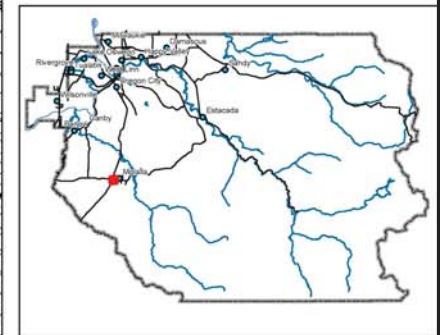
D. L. C.  
BENJAMIN B. JACKSON NO. 41

Cancelled Taxlots

- 301
- 750
- 2501
- 2100
- 2200
- 2480
- 103
- 2490
- 100
- 700E1
- 700E3
- 2403
- 700E2
- 705ME1
- 705E2
- 705E1



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

4/16/2020

Source: www.ormap.net

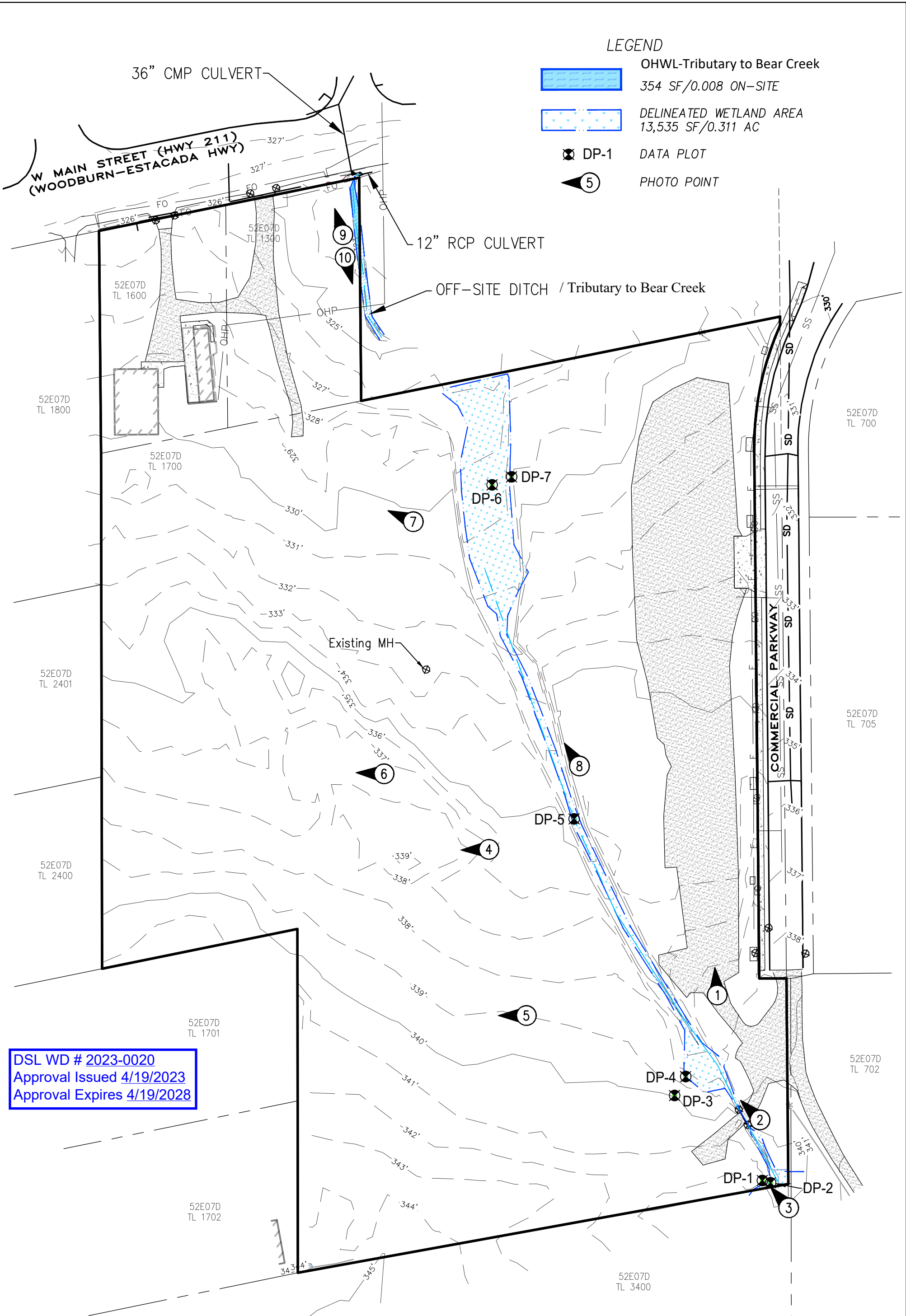
Environmental  
Science &  
Assessment, LLC



Tax Lot Map  
Dean's  
Molalla, Oregon

Figure 2

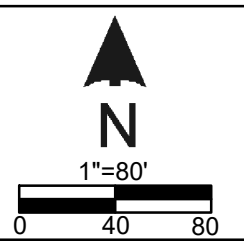




DSL WD # 2023-0020  
Approval Issued 4/19/2023  
Approval Expires 4/19/2028

**Figure 6**

Base Map Source:  
Froelich Engineers  
Mod. By: PD  
Date: 1/11/2023  
Job: 21034  
Rev: 00/00



**WETLAND DELINEATION**  
Dean's  
Molalla, Oregon



4831 NE Fremont St.,  
Suite 2B  
Portland, OR 97213  
Phone: 503.478.0424  
www.esapdx.com

## **Exhibit G: Clackamas County Assessor's Map**

---

---





## **Exhibit H: Property Ownership Information**

---

---

Clackamas County Official Records **2022-043238**  
Sherry Hall, County Clerk 08/02/2022 09:39:03 AM  
D-D Cnt=1 Stn=7 LISA  
\$35.00 \$16.00 \$10.00 \$62.00 \$123.00

**After Recording, Return to:**  
Dean Leasing, LLC  
Attn: Nigel Dean  
7421 SE 35th Ave.  
Portland, OR 97202

**Until a Change is Requested, All  
Tax Statements Shall be Sent to:**  
No Change

**STATUTORY SPECIAL WARRANTY DEED**

FORRISTALL FAMILY INVESTMENTS, LLC, an Oregon limited liability company ("Grantor"), hereby conveys and specially warrants to DEAN LEASING, LLC, an Oregon limited liability company ("Grantee"), that certain real property located in the County of Clackamas, State of Oregon, more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

The Property is free of encumbrances created or suffered by Grantor except as specifically set forth on Exhibit B.

The true consideration for this conveyance is \$2,320,000.00.

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.

Dated August 1st, 2022

1 — STATUTORY SPECIAL WARRANTY DEED

First American Title 3743433-SS

**GRANTOR:**

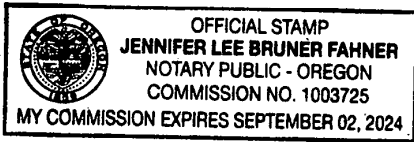
**FORRISTALL FAMILY INVESTMENTS, LLC, an Oregon limited liability company**

By: [Signature]  
Name: Lindsay L Forristall  
Title: Member

STATE OF OREGON            )  
County of Clackamas    ) ss.

This instrument was acknowledged before me this 1st day of August, 2022, by Lindsay L. Forristall, as Member of Forristall Family Investments, LLC.

[Signature]  
Notary Public – State of Oregon



**EXHIBIT A**  
**Legal Description**

[Attached.]



Legal Description:

Real property in the County of Clackamas, State of Oregon, described as follows:

Parcel I

Lot 1, WEST MOLALLA HOMES, in the County of Clackamas and State of Oregon.

Parcel II:

Lot 2, WEST MOLALLA HOMES, Clackamas County, State of Oregon.

Parcel III:

Lot 3, WEST MOLALLA HOMES, in the County of Clackamas and State of Oregon. EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its Department of Transportation by deed recorded June 14, 2001 as Fee No. 2001-044803.

Parcel IV:

Lot 4, WEST MOLALLA HOMES, in the County of Clackamas and State of Oregon. EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its Department of Transportation by deed recorded July 20, 2001 as Fee No. 2001-056987.

Parcel V:

A part of the Benjamin B. Jackson Donation Land Claim No. 41, in Section 7, Township 5 South, Range 2 East of the Willamette Meridian in the County of Clackamas and State of Oregon, described as follows:

Beginning at the point of intersection of the North line of said claim with the Old Territorial Road, said point being the Northwest corner of a tract of land set apart by decree of the Circuit Court of Clackamas County to Linda E. Spoor as recorded in Volume 24, Page 364, Deed Records; thence South 19° 5' West along the West line of said Spoor tract 713.3 feet to the Northwest corner of that tract conveyed to S. A. Cordill, et ux, by deed recorded December 28, 1950 in Book 439, Page 701, Deed Records and the true point of beginning of the tract to be described; thence continuing South 19° 55' West 302.00 feet to the Northwest corner of that tract conveyed to William O. Williams, et ux, by deed recorded December 27, 1954 in Book 490, Page 75, Deed Records; thence South 80° 12' West along the Northerly line of said Williams tract and an extension thereof 1182.3 feet to the Northeast corner of that tract conveyed to Bernhard Herdt, et ux, by deed recorded December 26, 1950 in Book 439, Page 620, Deed Records; thence North 19° 22' East 801.4 feet to the Southerly line of WEST MOLALLA HOMES a duly recorded subdivision of Clackamas County, Oregon; thence North 81° 22' West along the Southerly line of said addition 639.00 feet to the Southwesterly corner thereof; thence South 19° 55' West along the Easterly line of that tract conveyed to Robert G. Kennedy, et ux, by deed recorded March 20, 1944 in Book 322, Page 65, Deed Records, 500.00 feet; to the Northeasterly corner of that tract conveyed to S. A. Cordill, et ux, by deed recorded April 17, 1944 in Book 232, Page 450, Deed Records; thence North 81° 30' West along the Northerly line of said Cordill tract 253.6 feet to the Southeasterly corner of that tract conveyed to S. A. Cordill, et ux, by deed recorded December 28, 1950, in Book 439, Page 701, Deed Records; thence North 19°55' East 24.4 feet; thence North 81° 30' West 286.71 feet to the true place of beginning.

EXCEPTING THEREFROM the following described parcel:

Beginning at the point of intersection of the North line of said claim with the center line of Old Territorial Road, said point being the Northwest corner of a tract of land set apart by decree of the Circuit Court of

Clackamas County to Linda E. Spoor as recorded in Volume 24, Page 364, Deed Records; thence South 19° 55' West along said center line a distance of 1015.3 feet to the Northwest corner of that tract described in deed to William O. Williams, et ux, recorded December 27, 1954 in Book 490, Page 75, Deed Records and the true point of beginning; thence South 80° 12' East along the Northerly line of said Williams tract and an Easterly extension thereof a distance of 722 feet; thence North 19° 55' East parallel to the center line of said road a distance of 302 feet; thence North 81°30' West a distance of 722 feet, more or less, to the center line of said Old Territorial Road; thence South 19° 55' West along said center line a distance of 302 feet to the true point of beginning.

EXCEPTING THEREFROM that portion described in Dedication of Right of Way recorded December 29, 2006 as Fee No. 2006 119379.

NOTE: This legal description was created prior to January 1, 2008.

## EXHIBIT B

### Exceptions

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Mineral reservation as contained in Deed:  
Recorded: July 19, 1949 as Book 421, Page 175  
  
(Affects Parcel III)
4. Mineral reservation as contained in Deed:  
Reserved by: Union Bond and Trust Company  
Recorded: January 05, 1950  
Recording Information: Book 427, Page 114  
  
(Affects Lot 1, West Molalla Homes)
5. Easement, including terms and provision contained therein:  
Recording Information: September 12, 1986 as Fee No. 86035493  
In Favor of: Molalla Telephone Company, an Oregon corporation  
For: Communications line  
Affects: The North ten feet of the West ten feet of Lot 1, West Molalla Homes
6. Easement, including terms and provisions contained therein:  
Recording Information: August 04, 1995 as Fee No. 95045913  
In Favor of: State of Oregon through its Department of Environmental Quality  
For: site evaluation for the purposed construction of an individual on-site sewage  
Affects: (Affects Parcels II and V)
7. Easement, including terms and provisions contained therein:  
Recording Information: October 20, 2000 as Fee No. 2000 068652  
In Favor of: Portland General Electric Company ("PGE"), an Oregon corporation  
For: electric power line  
Affects: (Affects Parcel IV)
8. Boundary Line Agreement, including terms and provisions thereof.  
Recorded: December 29, 2006 as Fee No. 2006 119378 and re-recorded

EXHIBIT B — STATUTORY SPECIAL WARRANTY DEED

September 20, 2007 as Fee No. 2007 081185

(Affects Parcel V)

9. Easement, including terms and provisions contained therein:

Recording Information:

December 29, 2006 as Fee No. 2006 119379

For:

Public utilities

[END OF EXCEPTIONS]

EXHIBIT B — STATUTORY SPECIAL WARRANTY DEED

4879-6706-3839, v. 6

**EXHIBIT D:**  
Molalla Public Works Review Memo



## Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

[www.cityofmolalla.com](http://www.cityofmolalla.com)

---

February 23, 2024

TO: Mac Corthell, Community Development Director  
Dan Zinder, Planning Director

FROM: Sam Miller, Engineering Section Manager

**RE: SDR05 & CUP03-2023**

Based on a review of the materials submitted, Staff has prepared the following comments. These comments are applicable to the subject application; any subsequent modifications may require amendments and/or additions. These conditions do not include requirements already set forth in the municipal code.

### 1. Conditions Requiring Resolution Prior To Public Works Construction Permit

- a. The Applicant Shall be required to submit a Public Works Permit and assurances in accordance with Section 1 of the Molalla Standard Specifications for Public Works Construction prior to any construction of public facilities. Applicant shall obtain any and all required State or Federal permits, as applicable, prior to Building Permit being issued.
- b. The Applicant shall apply for a second access permit with the City for the new proposed approach at the southern portion of the site at time of submittal of PW Construction permit application.
- c. The applicant shall dedicate efficient right-of-way consistent with Molalla TSP and for future extension of Commercial Parkway. Applicant shall be required to submit a legal description and exhibit map for review and sign City Dedication form. Once completed, applicant will be required to record dedication with the County Recorder's Office and return the original document to the City.
- d. Public Works Standards require a 10' Public Utility Easement (PUE) to be dedicated to the City adjacent to all public right-of-way and no structures will be permitted or shall encroach into the easement. Applicant shall be required to

submit a legal description and exhibit map for review and sign City easements. Once completed, applicant will be required to record easements with the County Recorder's Office and return the original document to the City.

## 2. Conditions Requiring Resolution Prior to Building Permit Approval

- a. No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provision of the Code and the Public Works Design Standards in accordance with MMC 17-3.6 Public Facilities for the southern (second) access. All public improvements shall be completed and accepted by the Public Works Department prior to issuance of any occupancy.
- b. Applicant shall be required to construct street improvements to City standards consistent with the Transportation System Plan adopted cross section for half street improvements or provide a Waiver of Remonstrance.
- c. Applicant shall conform to all emergency access, building, and fire code standards, as applicable. Applicant shall be required to meet Oregon Unified Fire Code at the time of building permit submission.
- d. System development charges shall be paid prior to the release of Building Permit Authorization for the City of Molalla.

### **PUBLIC WORKS CONDITIONS & FINDINGS**

#### **Chapter 17-3.6 Public Facilities**

##### **17-3.6.010 Purpose and Applicability:**

A. *Purpose.* The standards of Chapter [17-3.6](#) implement the public facility policies of the City of Molalla Comprehensive Plan and adopted City plans.

B. *Applicability.* Chapter [17-3.6](#) applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the City Engineer shall interpret the Code pursuant to Chapter [17-1.5](#).

C. *Public Works Design Standards.* All public facility improvements, including, but not limited to, sanitary sewer, water, transportation, surface water and storm drainage and parks projects, whether required as a condition of development or provided voluntarily, shall conform to the City of Molalla Public Works Design Standards. Where a



conflict occurs between this Code and the Public Works Design Standards, the provisions of the Public Works Design Standards shall govern.

D. *Public Improvement Requirement.* No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provisions of this Code and the Public Works Design Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

**Findings:** Applicant will be required to connect to services by main line or main line extension. Utility connections cannot be made until acquired permitting has been issued and all SDC & connection fees have been made. The Applicant will also be required to submit information necessary to calculate system development charges at time of application submittal.

### 17-3.6.020 Transportation Standards:

#### A. General Requirements

1. 17-3.6.020. A.2 - All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section [17-3.6.020](#), and shall be constructed consistent with the City of Molalla Public Works Design Standards.

**Findings:** Commercial Parkway: Commercial Parkway is a Neighborhood Street under City of Molalla jurisdiction. Applicant shall be required to donate efficient right-of-way meeting Molalla TSP and dedication of a 10-foot Public Utility Easement (PUE) adjacent to all public right-of-way and no structures are allowed to encroach into the easement. Applicant shall be required to construct street improvements to City standards consistent with the Transportation System Plan adopted cross section for half street improvements or provide a Waiver of Remonstrance.

2. 17-3.6.020. A.4 - A Transportation Impact Analysis (TIA) is required for developments that are expected to have an impact on the transportation system. The analysis shall be based upon the latest edition of the ITE Trip Generation Manual or an agreed-upon alternative methodology where credible data is available to support the alternative methodology.

**Findings:** Per MMC 17-3.6.020. A.4. The proposed development does not meet the threshold for Traffic Impact Analysis (TIA), as the development generates fewer than 25 per hour trips during either AM or PM peak hour. Applicant has prepared and submitted a Traffic Analysis Letter for the proposed development that was prepared by registered professional engineer which has been analyzed and accepted by the city.

#### B. Street Location, Alignment, Extension, and Grades

1. 17-3.6.20. B.2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic, conditions, public convenience, and safety, and in appropriate relation to the proposed use of the land to be served by such street.

**Findings:** All streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans

*and pursuant to subsection D Transportation Connectivity and Future Street Plans*

2. 17-3.6.20. B.5 - *Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.*

**Findings:** *Transportation Mater Plan show the extension of Commercial Parkway for its existing terminus to the south to intersect with Lowe Road. Applicant shall dedicate efficient right-of-way to the most south portion of the property consistent with Molalla TSP for extending Commercial Parkway.*

**C. Rights-of-Way and Street Section Widths.**

1. 17-3.6.20. C.1 - *Street rights-of-way and section widths shall comply with the current version of the Public Works Design Standards and Transportation System Plan. The standards are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties.*

**Findings:** *Dedications/Donations: If right of way dedication fronts streets under the jurisdiction of the City of Molalla, Applicant shall submit dedication on formats approved by the Public Works Department. Applicant is advised that donation must be completed and recorded prior to Public Works Construction permit approval. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way if one does not exist. Applicant shall provide proof of existing dedication.*

2. 17-3.6.20.C.2 - *All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a planter strip is provided it shall consist of a minimum five-foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City Engineer approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.*

**Findings:** *Applicant shall be required to construct street improvements to City standards consistent with the Transportation System Plan adopted cross section for half street improvements or provide a Waiver of Remonstrance. All street designs shall provide for safe and efficient travel to the motoring public. Streets shall be designed to carry the recommended traffic volumes identified for each street classification. Classification of existing and proposed roads is established by the City of Molalla's TSP. Streets shall be designed to meet or exceed minimum guidelines. These guidelines are set forth in the "AASHTO Policy on Geometric Design of Highways and Streets" (latest edition). Traffic Control Devices shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways," Federal Highway Administration, with Oregon Supplements, Oregon Dept. of Transportation's (latest edition) and in accordance with Molalla Standards Specifications for Public Works Construction Section 2 – Street Improvements Design & Construction Standards.*

**D. Transportation Connectivity and Future Street Plans.**

1. 17-3.6.20 – D.1 Intersections. *Streets shall be located and designed to intersect as nearly as possible to a*

right angle. Street intersections shall meet the current requirements of the Public Works Design Standards and Transportation System Plan.

**Findings:** *The proposed conditional use permit does not significantly impact intersections that currently fail to meet City's level of service standard or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour.*

2. 17-3.6.20 – D.2 Access Ways. *The Planning Commission, in approving a land use application with conditions shall require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects or may in the future connect, the end of the street to another street, a park, or a public access way, except where the City Engineer and City Planner determine the access way is not feasible. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum eight-foot-wide concrete surface or other all-weather surface approved by the City Engineer. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.*

**Findings:** *Applicant shall use existing access and no additional accesses will be granted without City approval. If additional driveways on a frontage are approved by the City's authorized representative, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions. Access spacing shall conform to the Transportation Systems Plan. The proposed width of access shall meet the Molalla Standard Specifications for Public Works Construction. Access for commercial developments driveway access on local street classification shall be a minimum of 150 feet from the nearest intersection (as measured from Centerline of driveway to near face of curb at intersection).*

**Transportation SDC's** – *In accordance with MMC 13.14 this design review does increase the impacts to the public improvement facility and is therefore not exempt from transportation SDC charges. SDC's shall be calculated in accordance with the SDC methodology.*

### 17-3.6.030 Public Use Areas:

#### A. Dedication of Public Use Areas.

1. *Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.*

**Findings:** *Not applicable, no proposed park, playground or other public use is shown in a plan adopted by the City.*

1. *The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.*

**Findings:** *Not applicable, applicant is not proposing any voluntary dedication or reservation of areas within the development.*

B. **System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward any required system development charge for parks. (Ord. 2017-08 §1)

*Findings:* development does not propose any dedication of land to the City. Parks SDC's – In accordance with MMC 13.70.110 this Commercial Conditional Use development is exempt from parks SDC charges.

### **17-3.6.040 Sanitary Sewer and Water Service Improvements:**

A. **Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable Public Works Design Standards. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the City Engineer where alternate alignment(s) are provided.

*Findings:* Sewer- There are two existing laterals stub into the site, both take access for Commercial Parkway and extend west into the site. One of which is an 8" main line that extends approx. 330 feet into the site and dead end at a manhole and the other is a 8" stub approx. 40-feet into the site on the north end of the property. Applicant shall be required to construct onsite facility and make connection to one of the existing 8-inch lines within the site and the other to be abandoned. All sanitary sewers shall be designed and constructed so as to conform to the requirements of the Oregon state plumbing laws and rules of the Oregon DEQ and to City Standards. Prior to extension and/or connection to the Public Sewer System.

*Findings:* Water – A 12-inch water main exist within Commercial Parkway and will serve this development. Extensions for fire protection may be required and all public water lines shall be within a public easement on formats approved by the Public Works Department. Should Fire Department regulations require additional fire flow that results in looping the water line through the site, then applicants engineer shall coordinate with Public Works for the extension of public waterline, and dedication of easements.

*Sewer & Water SDC's* – In accordance with MMC 13.14 this design review does increase the impact to the public improvement facility and is therefore not exempt from Sewer & Water SDC charges. SDC's shall be calculated in accordance with the SDC methodology.

B. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

*Findings:* Applicant will be required to submit a Public Works Permit and assurances in accordance with Section 1 of the Molalla Standard Specifications for Public Works Construction prior to any public construction begins.

C. **Over-Sizing.** The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

**Findings:** There is an existing 10-inch sanitary sewer and 12-inch water mains located in Commercial Parkway. There are no identified existing deficiency within Cities Master Plan that indicates Inadequate Facilities within the limits of the proposed development for sewer and water.

- D. **Inadequate Facilities.** Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City Engineer may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power. (Ord. 2017-08 §1)

**Findings:** There are no identified existing deficiency within Cities Master Plan that indicates Inadequate Facilities within the limits of the proposed development for sewer and water.

### **17-3.6.050 Storm Drainage and Surface Water Management Facilities:**

- A. **General Provisions.** The City shall issue a development permit only where adequate provisions for stormwater runoff have been made in conformance with the requirements of the current version of the Public Works Design Standards and Stormwater Master Plan.

Findings: Applicant will be required to submit design and construction requirements for stormwater and surface water management at the time of Public Works Permit application. Design shall be in accordance with Section 3 of the Molalla Standard Specifications for Public Works Construction and Stormwater Master Plan.

1. Applicant proposes to collect and detain all stormwater onsite and discharge to the new stormwater swale and then conveyed to an existing drainage within the site. The conveyance of the new storm system shall be reviewed and permitted by DEQ including water quality requirements. Onsite private storm system shall comply with plumbing code requirements. The detention and flow control facilities shall be reviewed, permitted, and inspected by Public Works. The onsite storm conveyance system shall be reviewed and inspected by Clackamas County Building under a plumbing permit. in Accordance with MMC 13.13 Surface Water Management.
  2. Stormwater SDC's – In accordance with MMC 13.14 this design review does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges. SDC's shall be calculated in accordance with the SDC methodology.
- B. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

**Findings:** Applicant has prepared and submitted a Stormwater Drainage Report with their application that demonstrates the planned onsite facilities will not negatively impact downstream capacity and address all on-site and off-site drainage concerns for both upstream and downstream of the project and provide Storm water calculations in accordance with Molalla Standards for Public Works Section 3 -STORMWATER DESIGN & CONSTRUCITON STRANDARDS which has been analyzed and accepted by the city.

- C. **Effect on Downstream Drainage.** *Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions 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.*

**Findings:** The development increases the impervious surface area by more than 5,000 square feet. Applicant shall be required to submit design and construction requirements for stormwater and surface water management at the time of Public Works Permit application. Design shall be in accordance with Section 3 of the Molalla Standard Specifications for Public Works Construction and Stormwater Master Plan.

- D. **Over-Sizing.** *The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.*

**Findings:** See findings under 17-3.6.050 "A" & "B"

- E. **Existing Watercourse.** *Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, the City may require a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. (Ord. 2017-08 §1)*

**Findings:** Applicant shall provide existing drainage easements at time of application submittal.

#### **17-3.6.060 Utilities:**

##### **B. Underground Utilities.**

1. **General Requirement.** *The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Engineer determines that placing utilities underground would adversely impact adjacent land uses. The Planning Official may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.*

**Findings:** All utilities for the project shall be served by underground services. No overhead crossings of public right of way shall be approved by the City.

#### **17-3.6.070 Easements:**

- A. **Provision.** *The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.*

**Findings:** Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way if one does not exist. Applicant shall provide proof of existing dedication.

#### **17-3.6.080 Construction Plan Approval:**

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall commence without plans having been approved by the City of Molalla Public Works Department and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

**Findings:** Applicant shall apply for a Public Works Permit in accordance with Section 1.15 DEVELOPMENT PROCESS REQUIREMENTS of Molalla Standards. No work will be performed, not materials stored, nor encroachment made on or within right-of-way, Public easement, or Public utility easement until all requirements have been met and permit has been issued.

#### **17-3.6.100 Performance Guarantee and Warranty:**

- A. **Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that all of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a performance and payment bond in accordance with the current version of the Public Works Design Standards.

**Findings:** A Performance Bond must be in place prior to issuance of permit and before any public construction begins.

- B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance shall not be less than 150 percent of the estimated improvement costs.

**Findings:** The sum of the Performance Bond will be based on Engineering Cost Estimates provide at time of application submittal

- C. **Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

**Findings:** See findings under 17-3.6.100 "A" & "B"

- D. **Agreement.** A written agreement between the City and applicant shall be signed and recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed.
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant.
3. The required improvement fees and deposits.



**Findings:** Applicant shall not be granted a conditional use permit (as applicable), until all required improvements are completed and accepted by the City, or an agreement and financial assurance acceptable to the City for all outstanding public improvements is recorded against the property.

- E. **When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.

**Findings:** The applicant shall perform the public improvements as required and in accordance with the City of Molalla's public works standards. In the event applicant fails to perform within the period of time that the land use decision from which the requirement flows remains valid, the City will call on the financial assurance to complete said improvements.

- F. **Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.

**Findings:** At completion of the project and acceptance of Warranty Bond, the City will release the Performance Bond. If the applicant allows the financial assurance to expire, or terminate without written authorization from the City, a stop work order will be placed on the project and no occupancy will be granted. Additionally, the city will seek all available remedies under the law.

- G. **Warranty Bond.** A warranty bond good for two years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 120 percent of the total cost of improvements and begin upon acceptance of said improvements by the City. (Ord. 2017-08 §1)

**Findings:** Warranty Bond shall be in place prior to final completion and acceptance of the project and meeting the requirements in subsection 1.15.9 of the Molalla Standards and subject to all easements and legal documents have been recorded with the County.

### 17-3.6.090 Facility Installation:

#### **DESIGN REQUIREMENTS & POLICIES**

- A. **Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards.** The City of Molalla has adopted Public Works Design Standards for public improvements and private utility installation within the public right-of-way.
- C. **Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- E. **Resumption.** If work is discontinued for more than six months, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.
- F. **City Inspection.** Improvements shall be constructed under the inspection of the City Engineer. The City Engineer may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter [17-4.5](#) Modifications to Approved Plans and Conditions of Approval. Any



survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced at the developer or subdivider's expense prior to final acceptance of the improvements.

- G. **Engineer's Certification and As-Built Plans.** In accordance with the current version of the Public Works Design Standards, a registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials meet current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two sets of "as-built" plans, one paper set and one electronic set for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section [17-3.6.100](#). (Ord. 2017-08 §1
  
- H. **Residential Development Projects,** No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer, or otherwise bonded, in conformance with the provision of the Code and the Public Works Design Standards in accordance with MMC 17-3.6 Public Facilities. All public facilities shall be completed and accepted by the Public Works Department prior to issuance of final occupancy.
  
- I. **Materials Submitted,** it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.
  
- J. **Construction and/or Connection,** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, bonding, right-of-way and easements have been obtained and approved by staff, and Staff is notified a minimum of 24 hours in advance.
  
- K. **Revisions/Modifications,** Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements, if additional modifications or expansion of the sight distance onto adjacent streets is required.
  
- L. **Civil Review,** All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Molalla Public Work's Standards as described in Section 1 of the Molalla Standard Specifications for Public Works Construction.
  
- M. **Monuments,** All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
  
- N. **Existing Wells,** The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards and supply the City with a copy of the final document.

- O. **Sanitary Sewer**, designs require review by Oregon Department of Environmental Quality. Applicant shall be responsible for submission of plans to state agency and all associated fees. Applicant's Engineer will be required to submit final report to DEQ and provide a copy of the report to the City.
- P. **Utilities**, All utilities will be stubbed out to the far end of each street for future extension. The project shall utilize existing water, sewer, and storm water 'stub-outs' wherever possible. Water for domestic and fire protection shall be looped through the proposed site. Any 'stub-outs' determined to be not needed for the proposed development or any future development of the subject property shall be abandoned in accordance with the Molalla Standard Specifications for Public Works Construction.
- Q. **Public Improvements**, All public improvement designs shall meet the requirements of the Molalla Standard Specifications for Public Works Construction as amended by the Public Works Director.
- R. **General Easements** – A 10-foot-wide public utility easement shall be dedicated to the City adjacent to all public right-of-way and no structures are allowed to encroach into the easement. Applicant shall be required to submit a legal description and exhibit map for review and sign City easements. Once completed, applicant will be required to record easements with the County Recorder's Office and return the original document to the City prior to final occupancy.
- S. **General Wetland Requirements** – The applicant will be required to provide Public Works with a letter of concurrence from the Department of State Lands regarding any wetlands on the subject property.
- T. **General Erosion Control** – The applicant shall install, operate, and maintain adequate erosion control measures in conformance with the standards adopted by the City of Molalla and DEQ during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed. Applicant or Applicant's Contractor shall be responsible for all erosion control requirements under the 1200-C permit and shall coordinate directly with DEQ for questions related to 1200-C permit compliance.

**EXHIBIT E:**  
Molalla Fire Department Comments

**Exhibit E:**

*Molalla Fire District Comments*

**From:** [Mike Penunuri](#)  
**To:** [Dan Zinder](#)  
**Subject:** Comments Requested for SDR05-2023/CUP03-2023  
**Date:** Thursday, February 22, 2024 6:45:33 AM

---

Good morning Dan. Sorry for the delay. Below are my comments for the file below:

1. They have proposed temporary modular offices on the plan. What does temporary mean? Fire code wise temporary is less than 180 days. How will power be supplied to those modular offices?
2. What types of materials will be stored on site?
3. There are hydrants across the street for the industrial complex. If something were to happen on this site where we were to need hydrant water, the street would be 100% shut down until fire operations were completed. I'm ok with this for the temporary aspect of this business. If these structures become permanent, we will need to look at on site hydrants so we do not interrupt the industrial flow of traffic or look at a secondary means of egress from industrial way.

Mike Penunuri  
Lieutenant/Paramedic  
Molalla Fire District  
503-829-2200 Ext. 104

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone.

---

**From:** Dan Zinder <[dzinder@cityofmolalla.com](mailto:dzinder@cityofmolalla.com)>  
**Sent:** Wednesday, February 21, 2024 3:14 PM  
**To:** Mike Penunuri <[penunuri@molallafire.org](mailto:penunuri@molallafire.org)>  
**Subject:** RE: Comments Requested for SDR05-2023/CUP03-2023

Hi Mike, this was the other project that I mentioned the other day that needs feedback.

Thank you,  
*Dan Zinder*  
503.759.0226

---

**From:** Dan Zinder  
**Sent:** Monday, January 29, 2024 9:12 AM  
**To:** Sam Miller <[smiller@cityofmolalla.com](mailto:smiller@cityofmolalla.com)>; Mike Penunuri <[penunuri@molallafire.org](mailto:penunuri@molallafire.org)>; 'christine.stevenson@dsl.state.or.us' <[christine.stevenson@dsl.state.or.us](mailto:christine.stevenson@dsl.state.or.us)>  
**Cc:** 'Curt Fisher' <[cfisher@MWVCOG.ORG](mailto:cfisher@MWVCOG.ORG)>; Ronda Lockwood <[rlockwood@cityofmolalla.com](mailto:rlockwood@cityofmolalla.com)>  
**Subject:** Comments Requested for SDR05-2023/CUP03-2023

Good morning,

Molalla is conducting a review for a site design review and conditional use permit to allow

use by a landscaping company for materials staging/storage and company operations. Please provide comments by 2/21/2024 as we will be holding a hearing for this project for our March Planning Commission Meeting. Application documents can be found in this dropbox folder:

<https://www.dropbox.com/scl/fo/3jyl0g4zfab1x6fs9el2g/h?rlkey=gaaxf6o5ufq94aq1ggmdw9lgj&dl=0>

Please return comments to this folder:

<https://www.dropbox.com/scl/fo/gy7m6iyrbhlm3tjqoxhfk/h?rlkey=bb4fup63iva1uhyj3j50bxow2&dl=0>

Christine – please confirm who we should be sending development review projects to within DSL.

As an FYI, the temporary buildings that are proposed as “potential” will require a separate process and cannot be approved through this review as temporary building criteria were not addressed in the application.

Best,

**Dan Zinder**

*Senior Planner, City of Molalla*

117 N Molalla Ave | PO Box 248

Direct: 503.759.0226 | Office: 503.829.6855

## **EXHIBIT F:**

Public Comment: Prior Development  
Agreements Associated with the Development  
of Commercial PKWY

Mark Howlett  
503-793-7026

Original

## DEDICATION AGREEMENT

THIS DEDICATION AGREEMENT (“Agreement”), made this 30th day of November, 2006, is entered into and binding between and among Forristall Family Investments, LLC, an Oregon limited liability company (“Forristall”) and the City of Molalla (the “City”).

WHEREAS, Forristall is the owner of certain real property in Clackamas County, Oregon, commonly known as Tax Lot 1700 in Section 7 of Township 5S, Range 2E, of the Willamette Meridian, the eastern boundary of which (the “Line”) is more particularly described in **Exhibit A** attached hereto (the “Forristall Property”); and

WHEREAS, the City wants to construct improvements including a road (“Commercial Parkway”), water lines, surface drainage lines and sewer lines on and under the Dedicated Area running roughly north to south along Forristall’s eastern property boundary line as depicted on the project plans dated June, 2006 prepared by Compass Engineering, attached hereto as **Exhibit B**; and

WHEREAS, in order to construct the improvements, the City has requested that Forristall dedicate an approximately 25-foot portion along the eastern boundary Line of the Forristall Property; and

WHEREAS, the portion of the Forristall Property to be dedicated, more particularly described in **Exhibit B** attached hereto, is referred to in this Agreement as the “Dedicated Area”; and

WHEREAS, in order for the City to provide services to the property to the east, for the protection and safety of the Forristall Property and in order to accommodate future development of the Forristall Property, Forristall needs the City to make certain changes to its design specifications for the construction of Commercial Parkway and related sanitary sewer lines, manholes, fire services turn-around, southerly access, water service connections, fencing, and storm water drainage system;

### **NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:**

IN PARTIAL CONSIDERATION for the foregoing Recitals (which are incorporated herein by this reference), and in exchange for the mutual covenants and agreements set forth below, the parties agree as follows:

#### **1. PROPERTY DEDICATION**

Forristall hereby agrees to dedicate the Dedicated Area to the City for the purpose of construction of the improvements in exchange for the City’s agreements set forth in Sections 2 through 8 below.



**2. SANITARY SEWER LINE; MANHOLES**

The City hereby agrees to waive any future hookup fees from the Forristall Property to the sewer line to be installed in the Dedicated Area and to install at its expense a manhole on the proposed 10-inch public sanitary line at approximately Road Station \_\_\_\_ (to be supplied by Compass Engineering) and extend from this manhole an 8-inch PVC line at right angles to the 10-inch line westerly across the Forristall Property for 284 feet at 0.4% grade as depicted on **Exhibit C**. In lieu of extending the line 284 feet, the City may elect to pay Forristall \$7,000 and only extend ~~the line 50 feet.~~ To Property line. *AAA and me ddb*

**3. TEMPORARY TURN-AROUND**

*Case* The City hereby agrees that the proposed turn-around for fire services at the southern end of Commercial Parkway which extends outside the Dedicated Area will only be a temporary easement, and that the turn-around will be removed from the Forristall Property as soon as Commercial Parkway is extended further south than is shown on **Exhibit B** but no later than December 31, 2010. ~~Provided, however, that the City may extend the deadline one year at a time for up to five (5) years upon payment of \$500 in advance for each annual extension.~~ Upon removal the City agrees, upon request, to restore the Forristall Property to its natural condition. Failure of the City to remove the turn-around or failure of Forristall to demand removal shall not act as a waiver or entitle anyone to claim an easement or ownership to that portion of the turn-around on the Forristall Property. The City shall make this change at its expense on any and all plans and specifications accepted by the City. *AAA and me ddb*

**4. FENCE AND SIDEWALK CONSTRUCTION**

Within thirty (30) days ~~of the execution of this Agreement,~~ *from the project completion* the City hereby agrees to construct at its expense a permanent, new five-foot tall chain link fence with a secure gate access along the entire length of the western boundary of the Dedicated Area and around the Temporary Turn-around to stop trespassing onto the Forristall Property. If the City requires that a sidewalk be installed as a condition of future development of the Forristall Property, the City shall install such sidewalk at its expense. *AAA and me ddb*

**5. WATER SERVICE CONNECTIONS**

The City hereby agrees to construct at its expense two pairs of water services comprised of a 2-inch domestic water service with a one-inch (1") water meter and a 6-inch fire service connection at the following locations to service the Forristall Property: *No Cost*

- a) One service on the western side of the Dedicated Area at the public sewer manhole plus or minus ten feet;

b) One service on the western side of the Dedicated Area at approximately Road Station 18 + 36.

## **6. SURFACE WATER DRAINAGE SYSTEM**

The City hereby agrees that if the water drainage system to be installed in conjunction with the construction of the Commercial Parkway is inadequate to drain the area south of Commercial Parkway now or as it is developed then the City will be responsible for all costs associated with the design and construction of a supplemental or alternative surface water drainage system.

## **7. ACCESS BARRIER**

The City will construct an automatic gate at the southern end of Commercial Parkway to prevent access from the south by off road vehicles but allow limited vehicular access by property owners. — 16'

## **8. FURTHER ASSURANCES**

Each party shall execute and deliver, at the request of another party, such further documents or instruments, and shall perform such further acts, that may be reasonably required to fully accomplish the intent of this Agreement.

## **9. ATTORNEY FEES**

The City will reimburse Forristall up to \$5,000 for its attorney fees and costs incurred prior to the execution of this Agreement.

## **10. ENFORCEMENT OF AGREEMENT**

In the event of a material breach of this Agreement or other dispute regarding the enforcement or interpretation of this Agreement, the losing party shall pay attorneys' fees, costs and expenses incurred by the prevailing party.

## **11. GOVERNING LAW**

This Agreement shall be construed and interpreted in accordance with the laws of the state of Oregon without regard to its principles of conflicts of laws. Because the parties and their respective counsel have reviewed, revised, and negotiated, or had the opportunity to review,

revise, or negotiate the terms, conditions, and language of this Agreement, the rule of construction that ambiguities are to be resolved against the drafting party does not apply.

**12. BINDING EFFECT**

This Agreement shall be binding upon and operate to the benefit of the parties and their respective heirs, successors, legal and personal representatives and permitted assigns including, without limitation, any and all subsequent owners of the Forristall Property.

**13. INTEGRATION**

This Agreement contains the entire agreement between and among the parties with regard to the matters set forth herein.

**14. MODIFICATION**

This Agreement may not be amended or modified except in writing signed by all parties.

**15. WAIVER OF BREACH**

The waiver by either party of a breach of any term or provision of this Agreement shall not be construed as a waiver of any subsequent breach of the same or any other term or provision by either party.

**16. SAVING CLAUSE**

If any provision of this Agreement, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected thereby.

**17. TIME OF THE ESSENCE; DAYS**

Time is of the essence of this Agreement in all particulars. The term "days" means calendar days.

**18. COUNTERPARTS**

This Agreement may be executed in one or more counterparts, including facsimile counterparts, and all so executed shall constitute one agreement, binding on all the parties hereto,

even though all parties are not signatories to the original or the same counterpart. Any counterpart of this Agreement, which has attached to it separate signature pages, which altogether contain the signatures of all parties, shall for all purposes be deemed a fully executed instrument.

EXECUTED as of the date and year first above written.


FORRISTALL FAMILY INVESTMENTS, LLC

By:   
Lowell Forristall  
*140206*

By:   
Marlene Forristall  
*member*

Date: 12-8-06

APPROVED AS TO FORM:

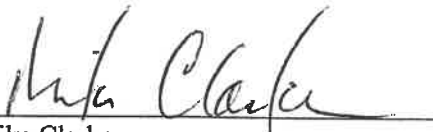
By:   
Ronald T. Adams, OSB No. 76040  
Of Attorneys for  
Forristall Family Investments, LLC

Date: 12/13/06

THE CITY OF MOLALLA

By:   
Gene Green, City Administrator

Date: 11-30-06

By:   
Mike Clarke  
Mayor, City of Molalla

Date: 11-30-06

LEGAL DESCRIPTION  
BOUNDARY LINE AGREEMENT  
LOWELL FORRISTALL

JOB NO. 6180.2  
11/15/06 MAR

EXHIBIT "A"

A BOUNDARY AGREEMENT LINE, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF MOLALLA, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

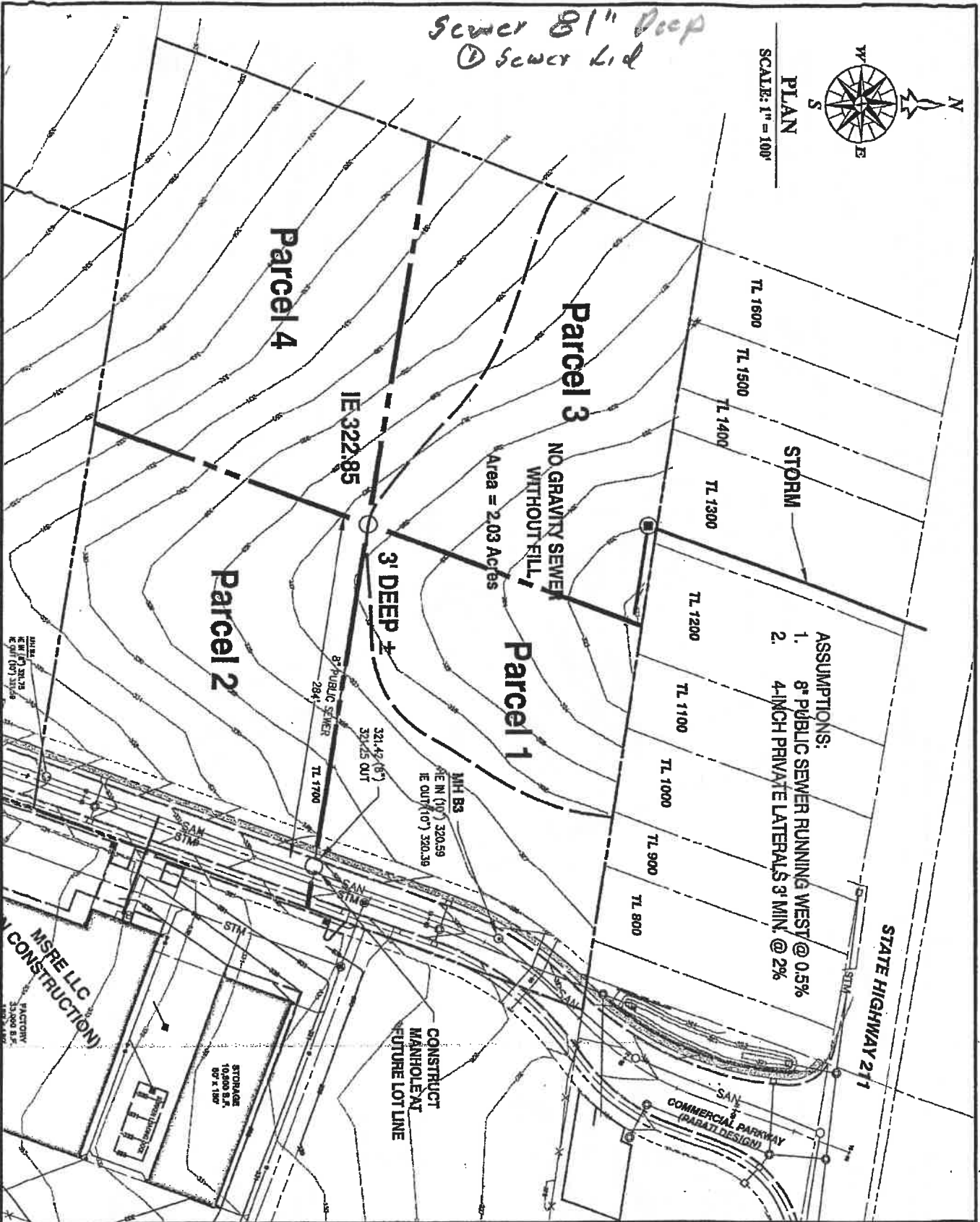
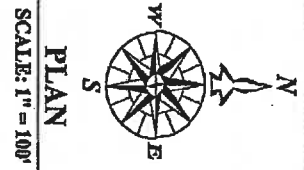
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, PARTITION PLAT 1994-160; THENCE ALONG THE WESTERLY LINE THEREOF, N.20°25'50"E., 494.24 FEET; THENCE N.79°34'34"W., 2.56 FEET TO A 1/2" DIAMETER IRON PIPE AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED AS PROPERTY NO. 8 IN FEE NO. 2000-081398, CLACKAMAS COUNTY DEED RECORDS, AND THE POINT-OF-BEGINNING; THENCE N.19°59'26"E., 800.12 FEET TO A 1" DIAMETER IRON PIPE INSIDE A 2" DIAMETER IRON PIPE AT THE SOUTHEAST CORNER OF LOT 10, "WEST MOLALLA HOMES", A SUBDIVISION PLAT OF RECORD (NO. 675) IN SAID CLACKAMAS COUNTY; THENCE ALONG THE EASTERLY LINE THEREOF, N.20°03'08"E., 208.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 211 (60.00 FEET WIDE) AND THE TERMINUS OF SAID AGREEMENT LINE, FROM WHICH THE MOST NORTHERLY NORTHWEST CORNER OF PARCEL 1, PARTITION PLAT 1994-160 BEARS S.80°59'27"E., 10.24 FEET.



DATE OF SIGNATURE: 11-15-06  
VALID UNTIL 12/31/2006



Sewer 8" Deep  
 Ⓧ Sewer Lid



- ASSUMPTIONS:
1. 8" PUBLIC SEWER RUNNING WEST @ 0.5%
  2. 4-INCH PRIVATE LATERALS 3' MIN. @ 2%

UTILITY  
 8" (10') SAN, 24"  
 R/W (10') 24" GAS

MSRE LLC  
 CONSTRUCTION)  
 FACTORY  
 23,000 S.F.  
 AREA, 100'

STORAGE  
 10,000 S.F.  
 80' X 100'

CONSTRUCT  
 MANHOLE/EXT  
 FUTURE LOT LINE

COMMERCIAL PARKWAY  
 (BARAT DESIGN)

STATE HIGHWAY 211

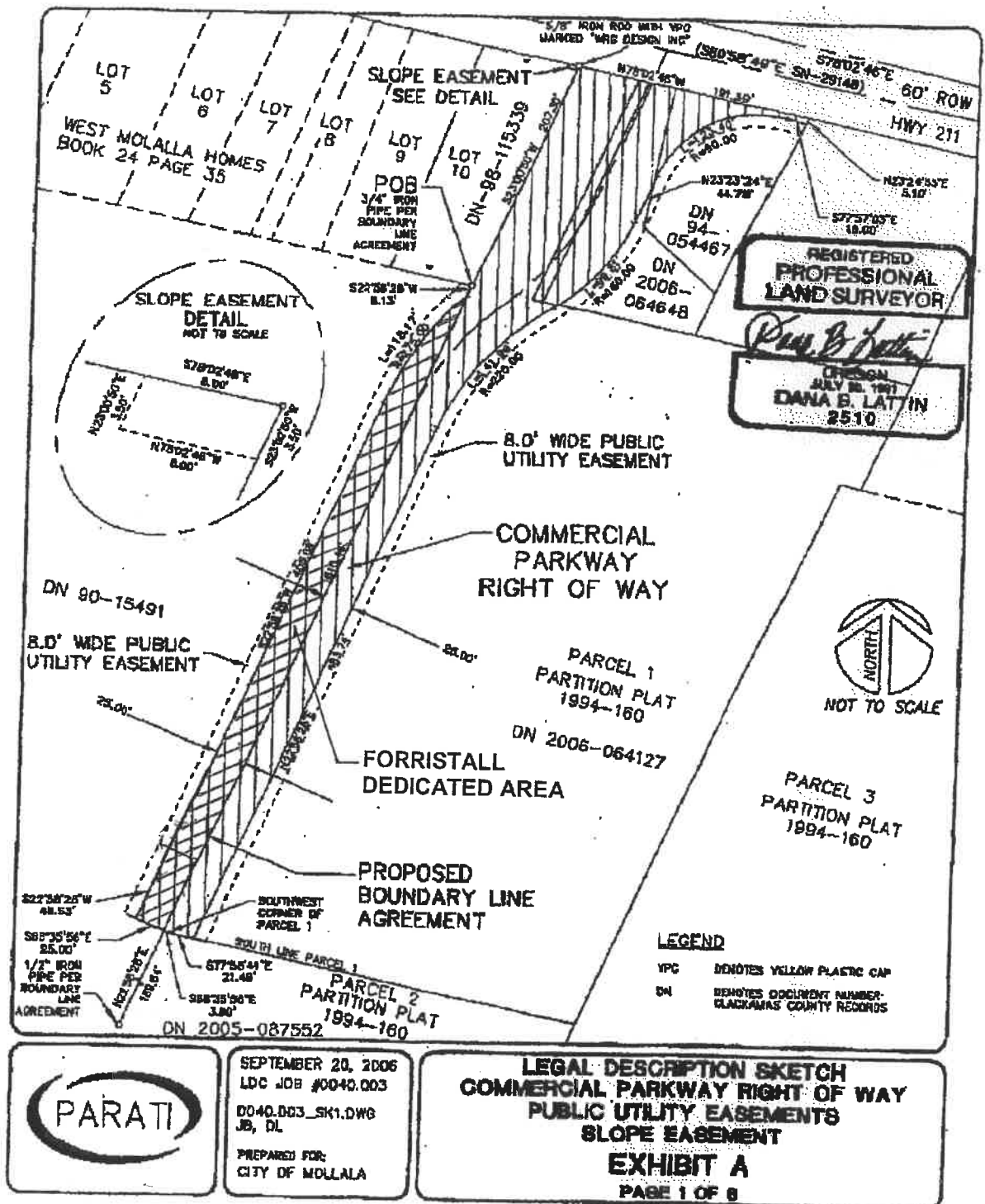
**COMPASS ENGINEERING**  
 ENGINEERING \* SURVEYING \* PLANNING  
 4105 SE INTERNATIONAL WAY, SUITE 201  
 MILWAUKEE, OREGON 97222  
 (503) 953-4233 PHONE  
 (503) 953-4235 FAX

Lowell Forristall  
 Molalla Property  
 Tax Lot 1700 5S2E7D

Four Corner Industrial Park - Phase 1

Molalla, Oregon EXHIBIT C.

1  
 1



P:\0040.LDC\proj\15-00000007\_001.dwg, 12/20/2006 6:36:45 PM, 00 LDC User: ERM (C:\Users\ERM)

REVISED EXHIBIT B TO DEDICATION AGREEMENT



## **TOLLING AGREEMENT**

THIS TOLLING AGREEMENT (this "Agreement") is entered into and effective as of November 29, 2012 (the "Effective Date") and is binding between Forristall Family Investments, LLC ("Forristall") and the City of Molalla (the "City"). Forristall and the City are referred to collectively as "the Parties" to this Agreement.

### **RECITALS**

WHEREAS, Forristall and the City entered into a Dedication Agreement on November 30, 2006 (the "Dedication Agreement"), pursuant to which Forristall dedicated a portion of real property it owns to the City for the construction of Commercial Parkway, and in exchange the City, among other things, agreed to be responsible for all costs associated with the design and construction of a supplemental or alternative surface water drainage system if the drainage system to be installed in conjunction with the construction of Commercial Parkway was inadequate to drain the area south of Commercial Parkway.

WHEREAS, Forristall and the City have agreed that the drainage system that was installed in Commercial Parkway during its construction is inadequate to drain the area south of Commercial Parkway, and that the City is responsible for costs of a supplemental system, but are still constructively working with each other to agree on the costs, design and construction obligations for such a system under the Dedication Agreement.

WHEREAS, Forristall is uncertain as to when legal action may be necessary to enforce the provisions of the Dedication Agreement.

WHEREAS, the Parties desire to continue constructive discussions regarding how the Parties can meet their obligations under the Dedication Agreement, and to avoid the necessity of Forristall commencing immediate legal action against the City.

NOW, THEREFORE, the Parties agree as follows:

### **TERMS**

1. The Parties agree to toll all applicable statutes of limitations and other periods of limitation, if any, concerning any claims arising under the Dedication Agreement beginning on the Effective Date and continuing until this Agreement is terminated as provided herein (the "Tolling Period").

2. During and after the Tolling Period, the Parties reserve all rights to assert, plead, or otherwise raise any defense to any claims based on the running of any applicable statute or other period of limitations or based on laches or other legal or equitable principles concerning the timeliness of commencing a civil action, including the right to assert that no statute of

limitations or statute of ultimate repose applies, so long as any such argument or defense to any claim is not based upon the passage of time during the Tolling Period.

3. Notwithstanding Paragraphs 1 and 2 above, Forristall may commence litigation when it deems such action appropriate, provided that if this Agreement has not been terminated, Forristall agrees to provide the City 30 days' prior written notice of its intent to commence litigation. Regardless of when litigation may be commenced, in no event will any statutory or other period of limitations, if any, related to any claim that had not run or otherwise did not act to bar the claim before the Tolling Period be deemed to run during the Tolling Period.

4. Neither the execution of this Agreement, nor the Agreement by any of its terms, constitutes an admission against interest or an admission of liability of any of the Parties and shall not be used or referred to in any proceeding except solely for the purposes of establishing, if the matter is contested, the agreement set forth herein.

5. Any party may terminate this Agreement upon 30 days' prior written notice to the other party.

6. The Parties represent that all legal authorization necessary for the execution of this Agreement has been validly taken, and that the individuals whose signatures appear below are duly authorized to execute this Agreement on behalf of their respective parties.

7. This Agreement may be modified or amended only by written instrument executed by the authorized representatives of the Parties.

8. The Agreement shall apply to, inure to the benefit of, and be binding upon the respective successors and assigns of the Parties.

9. Any notice given pursuant to this Agreement shall be in writing and shall be deemed to have been given: (a) when personally delivered to a party; (b) two business days after deposit in the United States Mail, first class postage prepaid by both first class and certified mail, return receipt requested; or (c) two business days after delivery to a recognized national overnight carrier, with overnight shipping charges paid and addressed to such party as follows:

If to Forristall: Lowell Forristall  
19538 S. Unger Road  
Beavercreek, OR 97004

with a copy to: Black Helterline LLP  
805 SW Broadway, Suite 1900  
Portland, OR 97205  
Attention: Stark Ackerman

If to the City: City Manager, City of Molalla  
117 N. Molalla, Avenue  
Molalla, OR 97038

LEGAL DESCRIPTION  
BOUNDARY LINE AGREEMENT  
LOWELL FORRISTALL

JOB NO. 6180.2  
11/15/06 MAR

EXHIBIT "A"

A BOUNDARY AGREEMENT LINE, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF MOLALLA, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, PARTITION PLAT 1994-160; THENCE ALONG THE WESTERLY LINE THEREOF, N.20°25'50"E., 494.24 FEET; THENCE N.79°34'34"W., 2.56 FEET TO A 1/2" DIAMETER IRON PIPE AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED AS PROPERTY NO. 8 IN FEE NO. 2000-081398, CLACKAMAS COUNTY DEED RECORDS, AND THE POINT-OF-BEGINNING; THENCE N.19°59'26"E., 800.12 FEET TO A 1" DIAMETER IRON PIPE INSIDE A 2" DIAMETER IRON PIPE AT THE SOUTHEAST CORNER OF LOT 10, "WEST MOLALLA HOMES", A SUBDIVISION PLAT OF RECORD (NO. 675) IN SAID CLACKAMAS COUNTY; THENCE ALONG THE EASTERLY LINE THEREOF, N.20°03'08"E., 208.49 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 211 (60.00 FEET WIDE) AND THE TERMINUS OF SAID AGREEMENT LINE, FROM WHICH THE MOST NORTHERLY NORTHWEST CORNER OF PARCEL 1, PARTITION PLAT 1994-160 BEARS S.80°59'27"E., 10.24 FEET.



DATE OF SIGNATURE: 11-15-06  
VALID UNTIL 12/31/2006

EXHIBIT B

**DEDICATION AGREEMENT**

THIS DEDICATION AGREEMENT ("**Agreement**"), made this 30th day of November, 2006, is entered into and binding between and among Forristall Family Investments, LLC, an Oregon limited liability company ("**Forristall**") and the City of Molalla (the "**City**").

WHEREAS, Forristall is the owner of certain real property in Clackamas County, Oregon, commonly known as Tax Lot 1700 in Section 7 of Township 5S, Range 2E, of the Willamette Meridian, the eastern boundary of which (the "**Line**") is more particularly described in **Exhibit A** attached hereto (the "**Forristall Property**"); and

WHEREAS, the City wants to construct improvements including a road ("Commercial Parkway"), water lines, surface drainage lines and sewer lines on and under the Dedicated Area running roughly north to south along Forristall's eastern property boundary line as depicted on the project plans dated June, 2006 prepared by Compass Engineering, attached hereto as **Exhibit B**; and

WHEREAS, in order to construct the improvements, the City has requested that Forristall dedicate an approximately 25-foot portion along the eastern boundary Line of the Forristall Property; and

WHEREAS, the portion of the Forristall Property to be dedicated, more particularly described in **Exhibit B** attached hereto, is referred to in this Agreement as the "**Dedicated Area**"; and

WHEREAS, in order for the City to provide services to the property to the east, for the protection and safety of the Forristall Property and in order to accommodate future development of the Forristall Property, Forristall needs the City to make certain changes to its design specifications for the construction of Commercial Parkway and related sanitary sewer lines, manholes, fire services turn-around, southerly access, water service connections, fencing, and storm water drainage system;

**NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:**

IN PARTIAL CONSIDERATION for the foregoing Recitals (which are incorporated herein by this reference), and in exchange for the mutual covenants and agreements set forth below, the parties agree as follows:

**1. PROPERTY DEDICATION**

Forristall hereby agrees to dedicate the Dedicated Area to the City for the purpose of construction of the improvements in exchange for the City's agreements set forth in Sections 2 through 8 below.

**2. SANITARY SEWER LINE; MANHOLES**

The City hereby agrees to waive any future hookup fees from the Forristall Property to the sewer line to be installed in the Dedicated Area and to install at its expense a manhole on the proposed 10-inch public sanitary line at approximately Road Station \_\_\_\_\_ (to be supplied by Compass Engineering) and extend from this manhole an 8-inch PVC line at right angles to the 10-inch line westerly across the Forristall Property for 284 feet at 0.4% grade as depicted on Exhibit C. In lieu of extending the line 284 feet, the City may elect to pay Forristall \$7,000 and only extend the line 50 feet. To Property line. *add 4%*  
*me olt*

**3. TEMPORARY TURN-AROUND**

The City hereby agrees that the proposed turn-around for fire services at the southern end of Commercial Parkway which extends outside the Dedicated Area will only be a temporary easement, and that the turn-around will be removed from the Forristall Property as soon as Commercial Parkway is extended further south than is shown on Exhibit B but no later than December 31, 2010. ~~Provided, however, that the City may extend the deadline one year at a time for up to five (5) years upon payment of \$500 in advance for each annual extension.~~ Upon removal the City agrees, upon request, to restore the Forristall Property to its natural condition. Failure of the City to remove the turn-around or failure of Forristall to demand removal shall not act as a waiver or entitle anyone to claim an easement or ownership to that portion of the turn-around on the Forristall Property. The City shall make this change at its expense on any and all plans and specifications accepted by the City. *add 4%*  
*me olt*

**4. FENCE AND SIDEWALK CONSTRUCTION**

Within thirty (30) days ~~of the execution of this Agreement,~~ <sup>from the project completion</sup> the City hereby agrees to construct at its expense a permanent, new five-foot tall chain link fence with a secure gate access along the entire length of the western boundary of the Dedicated Area and around the Temporary Turn-around to stop trespassing onto the Forristall Property. If the City requires that a sidewalk be installed as a condition of future development of the Forristall Property, the City shall install such sidewalk at its expense. *add 4%*  
*me olt*

**5. WATER SERVICE CONNECTIONS**

The City hereby agrees to construct at its expense two pairs of water services comprised of a 2-inch domestic water service with a one-inch (1") water meter and a 6-inch fire service connection at the following locations to service the Forristall Property:

- a) One service on the western side of the Dedicated Area at the public sewer manhole plus or minus ten feet;

b) One service on the western side of the Dedicated Area at approximately Road Station 18 + 36.

**6. SURFACE WATER DRAINAGE SYSTEM**

The City hereby agrees that if the water drainage system to be installed in conjunction with the construction of the Commercial Parkway is inadequate to drain the area south of Commercial Parkway now or as it is developed then the City will be responsible for all costs associated with the design and construction of a supplemental or alternative surface water drainage system.

**7. ACCESS BARRIER**

The City will construct an automatic gate at the southern end of Commercial Parkway to prevent access from the south by off road vehicles but allow limited vehicular access by property owners.

**8. FURTHER ASSURANCES**

Each party shall execute and deliver, at the request of another party, such further documents or instruments, and shall perform such further acts, that may be reasonably required to fully accomplish the intent of this Agreement.

**9. ATTORNEY FEES**

The City will reimburse Forristall up to \$5,000 for its attorney fees and costs incurred prior to the execution of this Agreement.

**10. ENFORCEMENT OF AGREEMENT**

In the event of a material breach of this Agreement or other dispute regarding the enforcement or interpretation of this Agreement, the losing party shall pay attorneys' fees, costs and expenses incurred by the prevailing party.

**11. GOVERNING LAW**

This Agreement shall be construed and interpreted in accordance with the laws of the state of Oregon without regard to its principles of conflicts of laws. Because the parties and their respective counsel have reviewed, revised, and negotiated, or had the opportunity to review,

revise, or negotiate the terms, conditions, and language of this Agreement, the rule of construction that ambiguities are to be resolved against the drafting party does not apply.

**12. BINDING EFFECT**

This Agreement shall be binding upon and operate to the benefit of the parties and their respective heirs, successors, legal and personal representatives and permitted assigns including, without limitation, any and all subsequent owners of the Forristall Property.

**13. INTEGRATION**

This Agreement contains the entire agreement between and among the parties with regard to the matters set forth herein.

**14. MODIFICATION**

This Agreement may not be amended or modified except in writing signed by all parties.

**15. WAIVER OF BREACH**

The waiver by either party of a breach of any term or provision of this Agreement shall not be construed as a waiver of any subsequent breach of the same or any other term or provision by either party.

**16. SAVING CLAUSE**

If any provision of this Agreement, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected thereby.

**17. TIME OF THE ESSENCE; DAYS**

Time is of the essence of this Agreement in all particulars. The term "days" means calendar days.


**18. COUNTERPARTS**

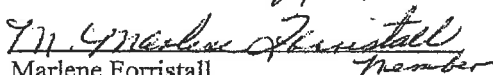
This Agreement may be executed in one or more counterparts, including facsimile counterparts, and all so executed shall constitute one agreement, binding on all the parties hereto,

even though all parties are not signatories to the original or the same counterpart. Any counterpart of this Agreement, which has attached to it separate signature pages, which altogether contain the signatures of all parties, shall for all purposes be deemed a fully executed instrument.

EXECUTED as of the date and year first above written.


FORRISTALL FAMILY INVESTMENTS, LLC

By:   
Lowell Forristall *14026 box*

By:   
Marlene Forristall *Member*

Date: 12-8-06

APPROVED AS TO FORM:


By:   
Ronald T. Adams, OSB No. 76040  
Of Attorneys for  
Forristall Family Investments, LLC

Date: 12/13/06

THE CITY OF MOLALLA

By:   
Gene Green, City Administrator

Date: 11-30-06

By:   
Mike Clarke  
Mayor, City of Molalla

Date: 11-30-06