



Mac Corthell – Planning Director
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June 9, 2021

Jeff Bivens
Cascade Center
Ivanov Investment Group
27375 SW Parkway Ave
Wilsonville, OR 97070

Re: MOD03-2021, request to modify requirements prior to occupancy of Cascade Center lots 1-3

Dear Mr. Bivens,

I am penning this letter to provide important information to you, your tenants, and the community regarding the occupancy of Cascade Center and completion of the signal/intersection project at Molalla Ave and Hwy 211 (hereinafter 'the project'). City staff in consultation with the Oregon Department of Transportation has reviewed and approved your request to modify condition 4(c) of SDR03-2020 requiring completion of the project prior to occupancy of lots 1-3 of Cascade Center (Grocery Outlet, Dollar Tree, unknown commercial space).

The City is willing to work with developers where unavoidable outside forces present irregular situations as is the case with the scarcity of posts and mast arms for this project caused by the ripple effect of the pandemic. However, the materials necessary to the 'groundwork' of this project do not fall within that category. The project was conditioned prior to occupancy to ensure the infrastructure impacts of your development were appropriately mitigated prior to them having an effect on the community. Occupancy is also the last "hook" through which the City has any leverage to ensure expeditious completion of the project.

With that in mind City Staff has modified your condition in a way that provides a compromise between your private interests and the interests of the community, while taking into consideration those circumstances that were not in your control, namely the shortage of signal poles and mast arms. Following are a few points from the Notice of Decision for MOD03-2021 that I want to ensure are clear.

1. **You are required to complete all groundwork on the project prior to obtaining occupancy of any sort.** I have been in consistent contact with your Project Foreman, Randy Singer. Mr. Singer has done an excellent job of reaching out to the community and recently joined me at a meeting of local business owners to discuss portions of the project. At that meeting (and before) Mr. Singer advised the group that all materials necessary to complete the 'groundwork' associated with the signal/intersection project are on hand or readily available. Completion of the project has been a known requirement of this development since the initial stages and is only approved for modification due to scarcity of materials. That justification does not apply to the 'groundwork' aspects of the project where material is on-hand or readily available.

2. **Once groundwork is complete and approved, along with all other pre-occupancy conditions relevant to the development, lots 1-3 will be allowed to take temporary occupancy only.** Temporary occupancy is valid for a period of 90 days from approval with an option for 30-day extension as needed.

3. **Final/permanent occupancy will not be granted until the project is fully complete.** This means you will have roughly 4 months from the completion of all groundwork on the project to complete the project in its entirety or occupancy on lots 1-3 will be revoked and occupancy on all other lots in Cascade Center will not be granted - until the project is complete.

Mr. Singer has provided an estimated completion date for the groundwork of late August to early September, 2021. Once that work is complete (and all other pre-occupancy conditions met), lots 1-3 can obtain temporary occupancy. This will remain in effect for 90 days with a 30-day extension option giving you until approximately December 31, 2021 to complete the project in full, which meets with your request while maintaining leverage on behalf of the community to ensure expeditious completion of the project.

Sincerely,



Mac Cortshell, JD
Planning Director

CC:

Brandon Donnelly, Grocery Outlet
City of Molalla Chamber of Commerce
City of Molalla City Council
City of Molalla Planning Commission
Dean Blades, Welcome to Molalla
Brian Bentley, Molalla Local Business Group
Matt Rozzell, Clackamas County Building Official