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Staff Report

Date: October 24, 2023

File No.: SUB01-2023

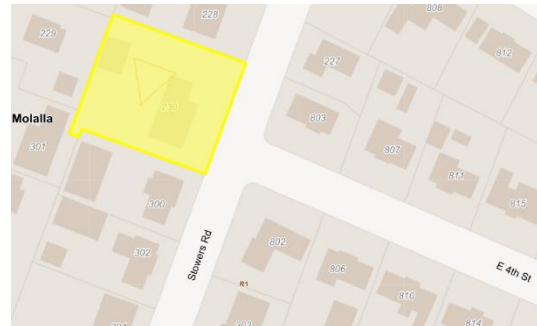
Proposal: Preliminary Plat approval for a 14-lot subdivision

Address: 814/816 Toliver RD

Tax Lot: Lots 900, 1000, and 1100 of Clackamas County Taxmap 52E08BA

Owner: Rosemary Smith
814 Toliver RD
Molalla, OR 97038

Applicant: Multi-Tech Engineering/Ivan Ivanov
1155 13th ST SE
Salem, OR 97302



Applicable Standards: Applicable Standards: Molalla Municipal Code, Title 17, Development Code

Division IV, Application Review Procedures and Approval Standards

Section 17-4.3.020 General Requirements

Section 17-4.3.040 Lot Size Averaging, Flag Lots, and Infill Development

Section 17-4.3.070 Preliminary Plat Approval Standards

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I. EXECUTIVE SUMMARY

Proposal:

The Applicants seek preliminary plat approval for a 14 lot subdivision utilizing three existing parcels in Molalla totaling 2.35 acres. Existing zoning for the proposed subdivision is R-1, Low Density Residential and no change is proposed. Three of the proposed lots, lots 6, 7, and 8 are proposed for duplex development and the rest are single family. An existing single-family home on the proposed Lot 9 would remain on the property. The proposal would subdivide the property into lots sized at:

Parcel 1: 6,999 sqft

Parcel 2: 5,039 sqft

Parcel 3: 5,012 sqft

Parcel 4: 5,037 sqft

Parcel 5: 5169 sqft

Parcel 6: 7,912 sqft

Parcel 7: 7,442 sqft

Parcel 8: 6,212 sqft

Parcel 9: 8,405 sqft

Parcel 10: 5,643 sqft

Parcel 11: 6,138 sqft

Parcel 12: 5,860 sqft

Parcel 13: 5,860 sqft

Parcel 14: 6,961 sqft

The proposal includes associated stormwater and utility and street buildout. The Applicant proposes to access all parcels from newly a developed public cul-de sac street "Ivans CT." The proposed street extends northward from Lynn LN. The Applicant proposes $\frac{3}{4}$ street improvements on Lynn LN and N Hezzie LN to facilitate access to the newly developed Ivans CT. All proposed utilities will be located within the Ivans CT Right-of-Way

Site Description:

The existing site consists of three parcels zoned as Low Density Residential (R-1); one measuring 1.01 acres and two measuring 0.67 acres apiece. The westernmost parcel is the site of an existing single-family home. The other two parcels are vacant and contain no trees. The site is abutted by Toliver Road on the north side, the N Hezzie LN right-of-way on the west side, and the Lynn LN right of way on the south side. The Molalla Transportation Systems Plan (TSP) classifies these streets as follows: Lynn LN is a local street, N Hezzie LN is a neighborhood street, and Toliver RD is a major collector. Lynn LN is currently not built out and N Hezzie LN has a partial build on the northern portion of the right-of-way. The property is relatively flat with a slight slope downward from east to west. The property has an existing access on the northwest corner of the property.

Surrounding Zoning and Land Uses:

The subject site is surrounded by public/semi-public (PSP) zoned land to the south and southeast. These properties are owned by the Molalla River School District and house the middle school to the south and elementary school to the east respectively. The rest of the site is surrounded by low density residential (R-1) zoned land and single-family homes.

Public Agency Responses:

Staff circulated notice of the project to the City's Public Works Director and Fire Marshal, on September 22, 2023. Comments from these agencies integrated into the findings and/or conditions of this decision.

Public Notice and Comments:

Per MMC 17-4.1.040, notice of the pending land use decision was sent to all property owners within 300 feet of the subject properties and to a group of interested parties on September 20, 2023. Notice was posted on the property by the Applicant on October 11, 2023. Staff received no written public comment on the application.

I. Recommendation

Based on the application materials and findings demonstrating present or conditioned compliance with the applicable standards, staff recommends **Approval** of Subdivision SUB01 -2023 subject to the conditions of approval that follow this recommendation. This approval is based on the Applicant's written narrative, site plans, preliminary partition plat, 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.

II. Conditions of Approval

1. Conditions Requiring Resolution Prior To Final Plat Approval

- a. Final Plat approval by the City of Molalla (MMC 17-4.3.090) will be required prior to filing and recording with Clackamas County (MMC 17-4.3.100). The City will provide a letter to Clackamas County confirming when all conditions required prior to final plat approval have been fulfilled.
- b. Applicant shall apply for a demo permit with the City of Molalla and Clackamas Building department and remove the existing out-building prior to final plat approval.
- c. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way if one does not exist. If one does, applicant shall provide proof of existing dedication.
- d. The Applicant shall confirm a unique name for the proposed replat with the Clackamas County Surveyors office to ensure compliance with ORS Chapter 92.
- e. Applicant shall submit dedication along street frontages on formats approved by the Public Works Department. Applicant is advised that donation must be completed and recorded prior to submission of final plat or with the final partition plat in order for Public Works to process plat documents. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way with final plat documents. If one does exist, Applicant shall provide proof of existing dedication.

- f. The Applicant shall obtain any and all required state or federal permits, as applicable, prior to final plat approval or construction as applicable.

2. Conditions Requiring Resolution Prior to Building Permit Approval

- a. The Applicant shall construct a walkway connecting the primary entrance for Lot 9 with Toliver RD in accordance with MMC 17-3.2.030 B prior to issuance of building permits for other lots in this subdivision.
- b. Prior to extension and/or connection to the Public Sewer System, Applicant shall submit a Sewer Capacity Analysis Request Form to the Oregon Department of Environmental Quality (DEQ) for approval per OAR Rule 340-52 and receive DEQ concurrence. Applicant has received preliminary sewerage capacity approval from the City Engineer, as required by the City.
- c. Applicant to bring all existing frontages to standard in accordance with the Molalla Development Code, Transportation Systems Plan, and Public Works Standards and construct Ivans CT to Local Street Standards prior to building permit issuance.
- d. Applicant shall submit separate engineering drawings reflecting the installation of public utilities and street improvements. All public improvements shall be completed and accepted by the Public Works Department prior to issuance of any building permit or otherwise bonded. No connection to City service shall be allowed until public improvements are completed (MMC17-3.6.080).
 - i. 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.
 - ii. Staff reserves the right to require revisions/modifications to the public improvement construction plan and completed street improvements if additional modifications or expansion of the sight distance onto adjacent streets is required.
 - iii. Approaches/driveways for proposed lots to be constructed in conformance with Division III Community design standards and applicable master plans, to be evaluated during civil review.

- iv. All public and franchise utilities for the project shall be served by underground services. No overhead crossings of public right of way shall be approved by the City.
- v. 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.
- vi. 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.
- vii. Applicant shall provide detail of hydrant extensions into subdivision for approval. See OFC Table C102.1. Pay close attention to the footnotes. Hydrants shall have a 4-inch sturtz fitting on the steamer port. Please note that Section D103.1 requires a specific road width for areas in front of hydrants. There is also a detail for achieving that area below this code site.
- viii. Given the radius on the plans, this appears to be an 89- foot diameter cul-de-sac. The minimum diameter is 96-foot for this road length. See OFC D103.4. Applicant shall confirm 96-foot radius or explain reduction in diameter and how the required diameter will be achieved.
- ix. Cul-de-sac area for Ivans CT will be marked as NO PARKING. Please see Appendix "D" of the Oregon Fire Code for placement of No Parking signs. Distance between signs will need to meet City of Molalla Standards if signs are needed.
- x. Roadway lighting is required on all new developments. Applicant shall install roadway lighting. Location and number shall be determined during design review.
- xi. Applicant's design engineer shall submit documentation for review and approval of the downstream capacity of any existing storm facilities impacted by the proposed development with Civil Design review.
- xii. Onsite private storm system shall comply with plumbing code requirements and shall be reviewed and inspected by Clackamas County Building under a plumbing permit. In accordance with MMC 13.13 Surface Water Management.
- xiii. Applicant proposes barriers between the existing and proposed portions of Lynn LN since the existing portion only contains twenty feet of paved width and may not be able to accommodate traffic from the development. Feasibility of connecting these two sections with this development will be considered in civil plan review.

Exhibit A:

City Staff's Findings of Fact for SUB01-2023

Per MMC 17-4.3.070, The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:

A. **Approval Standards.** The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval standards:

1. The land division application shall conform to the requirements of Chapter 17-4.3;

17-4.3.020 General Requirements

17-4.3.020(A) Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

FINDINGS: The Applicant's submitted application is for a preliminary plat approval. Final Plat approval by the City of Molalla (MMC 17-4.3.090) will be required prior to filing and recording with Clackamas County (MMC 17-4.3.100). The City will provide a letter to Clackamas County confirming when all conditions required prior to final plat approval have been fulfilled.

17-4.3.020(B) Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92 Subdivisions and Partitions.

FINDINGS: This proposal conforms to the regulations in ORS Chapter 92. The proposal meets this standard.

17-4.3.020(C) Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-

division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. (See also Section 17-4.3.040 Pre-Planning for Large Sites.)

FINDINGS: The subject parcels are located in the R-1 zone. The proposed lots between 5,012 and 8,405 SF. None are over 300% of the minimum lot size (5,000). Staff finds that this standard does not apply.

17-4.3.020(D) Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 17-3.6. These systems shall be located and constructed underground where feasible.

FINDINGS: The subject parcels are adjacent to Toliver RD and the N Hezzie LN and Lynn LN right of ways. The applicant has submitted preliminary design plans to extend utilities and build out streets in accordance with City standards and master plans. The proposal's compliance with these standards and plans will be evaluated in greater detail in response to Criteria 3 and 5 of this staff report.

17-4.3.020(E) Adequate Drainage. *All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 17-3.6.*

FINDINGS: The Applicant has proposed stormwater facilities for the proposed lots in their submission. The proposal's compliance with City master plans and standards will be evaluated in response to Criterion 5 of this staff report.

17-4.3.020(F) Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 17-3.3. (Ord. 2017-08 §1)

FINDINGS: The Applicant's proposal has proposed parcels taking access from newly developed "Ivans CT." Compliance with City master plans and standards will be evaluated in response to Criterion 3 of this staff report.

17-4.3.030 Preliminary Plat Approvals Process

- A. **Review of Preliminary Plat.** Preliminary plats for partitions shall be processed using the Type II procedure under Section 17-4.1.030. Subdivisions shall be processed using the Type III procedure under Section 17-4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval standards in Section 17-4.3.070.

FINDINGS: The Applicant's submitted proposal is for a subdivision converting 3 existing lots into 14 lots. This application was processed using the Type III procedure.

- B. **Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 17-4.3.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection D, with an overall time frame of more than two years between preliminary and final plat approvals.

FINDINGS: This standard is met subject to a condition of approval. As a condition of approval, the Applicant shall submit for final plat approval within two years of preliminary plat approval or otherwise receive an extension in accordance with MMC 17-4.3.030 to prevent a lapse of the decision herein.

Standards C and D do not apply to this application.

17-4.3.040 Lot Size Averaging, Flag Lots, and Infill Development

- A. **Lot Size Averaging.** To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a 20 percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 17-2.2, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:
1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zone, or to improve development compatibility with natural features or adjacent land uses;
 2. The Planning Official may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard- or larger-sized lots.

FINDINGS: All proposed lots meet minimum lot area and dimensions. This standard does not apply.

- B. **Flag Lots.** Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") shall serve not more than two dwelling units, including accessory dwellings and dwellings on individual lots. The City Engineer may approve additional units. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed

so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the standards of Section 17-3.6.020.D.

FINDINGS: The Applicant proposes Parcel 9 as a flag lot to serve the existing single-family house. This action will remove the non-conforming access from Toliver RD. As the parcel is surrounded by right-of-way to the north and west, there are no options for extending a through street to serve the proposed lot. Only one dwelling unit will be served by the flag stem. This standard is met.

C. **Infill Development and Mid-Block Lanes.** Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions through a long block, the Planning Official and City Engineer may require the improvement of mid-block lanes through the block. Mid-block lanes are private drives serving more than two dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of subsections D and E.

FINDINGS: No mid-block lanes are proposed nor are any practical for this development. This standard does not apply.

D. **Emergency Vehicle Access.** A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

FINDINGS: The Applicant does not propose reciprocal accesses and none will be required. Applicant will be required to maintain unfettered emergency access width along Lot 9. Molalla Fire Department provided comment on the proposal and raised no issues with the proposed access. Applicant will be required to meet Oregon Unified Fire Code at the time of building permit submission

E. **Maximum Drive Lane Length.** The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code. (Ord. 2017-08 §1)

FINDINGS: Applicant does not propose any accesses serving more than one dwelling. This standard does not apply. Applicant will be required to meet Oregon Unified Fire Code at the time of building permit submission.

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Division II Zoning Regulations, except as modified by the provisions of Chapter 17-4.3 (e.g., lot size averaging);

17-2.2.030 Allowed Uses

Findings: The Applicant proposes a subdivision that would create 1 lot for an existing single-family home, 10 new lots suitable for a single-family detached residence, and three lots for duplex development which are allowed uses in the R-1 zone. The standard is met.

17-2.2.040 Lot and Development Standards

Findings:

Density – Development within the R-1 zone is required at between 4-8 units per acre. The proposal includes 2.01 acres of buildable land of which the Applicant proposes 14 lots. In compliance with OR HB 2001, the City’s Lot and Development Standards make a density exception for duplex lots, effectively counting them as single-family residential lots. With that exceptions taken into consideration, the applicant proposes approximately 7 units per buildable acre. Density standards are met.

Minimum Lot Area – Minimum lot area for single family or duplex lots in the R-1 zone is 5,000 SF. All proposed lots are greater than 5,000 SF. This standard is met.

Minimum Lot Width and Depth – Minimum lot width for a single family or duplex dwelling on an interior lot in the R-1 zone is 50 ft and minimum lot depth is 80 ft. Since Parcel 9 is orientated off a flag stem, width and depth are assigned in relation to that stem. All proposed lots have dimensions equal or greater to 50 ft width and 80 ft depth. This standard is met.

Building and Structure Height – Building height will be evaluated at the time of development. This standard does not apply.

Maximum Lot Coverage - Foundation plane coverage will be evaluated at the time of development. This standard is met.

Minimum Landscape Area % (includes required parking lot, landscaping, and required screening)
Minimum landscaped area will be evaluated at the time of development.

Minimum Setbacks –

For lots 1-8 and 10-14 setbacks will be evaluated at the time of development.

Proposed Lot 9 is the site of the existing single family home. Applicant meets required setbacks for:

Front and street setback: This lot takes access from Ivan CT and has frontage on both Toliver RD and N Hezzie LN. A 10' setback is required for these frontages. Applicant proposes 20' setback on the south side where the access stem meets the property, a 30.2' setback from Toliver RD, and an 18.65' setback from N Hezzie LN. This standard is met.

Garage Setback: The existing home does not have a garage and no garage is proposed with this application. This standard does not apply.

Side Setback: Side setback applies to the eastern setback between lots 8 and 9. A total of 10' is required for the side setback. Applicant proposes a 10' setback. This standard is met.

Rear Setback: Due to the orientation of the lot no rear setback applies.

Build to Line: Does not apply to the R-1 zone.

Note: There is an existing out-building on the subject site that is proposed to be removed. Applicant shall apply for a demo permit with the City of Molalla and Clackamas Building department and remove the building prior to final plat approval.

3. Access to individual lots, and public improvements necessary to serve the development, including, but not limited to, water, sewer, and streets, shall conform to Division III Community Design Standards;

Findings:

This standard is met subject to Conditions of Approval. Refer to Public Works Comments for explanation of bonding and general design requirements and policies.

Access:

Applicant proposes access to all proposed lots from the newly constructed Ivans CT cul-de-sac, which will be established as a local street within the Molalla TSP. This arrangement meets vehicular access and circulation standards of MMC 17-3.3.030. removes existing, non-conforming accesses from Toliver RD and generally moves accesses to lower classification streets. Approaches/driveways for proposed lots to be constructed in conformance with Division III Community design standards and applicable master plans, to be evaluated during civil review. Applicant proposes continuous sidewalk extending from Toliver RD sidewalk,

along the east side of N Hezzie LN, to the south side of Lynn LN, and on both sides of the proposed Ivans CT meeting the pedestrian access standards of MMC 17-3.3.040.

Utilities:

All public and franchise utilities for the project shall be served by underground services. No overhead crossings of public right of way shall be approved by the City. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way if one does not exist. If one does, applicant shall provide proof of existing dedication.

Sewer: A 15-inch sewer main exists within the Lynn LN right-of-way and will serve this development. Applicant will be required to extend Public Sewer System north from Lynn LN in accordance with the adopted facility master plans to serve the development. The site will be served from the extension of sewer main by gravity system. Applicant's submitted utility plans meet these requirements. 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, Applicant shall submit a Sewer Capacity Analysis Request Form to the Oregon Department of Environmental Quality (DEQ) for approval per OAR Rule 340-52 and receive DEQ concurrence. Applicant has received preliminary sewerage capacity approval from the City Engineer, as required by the City.

Water: A 12-inch water main exists within Toliver RD and will serve this development. Applicant shall extend an 8-inch main from the existing water main located in Toliver RD and connect to existing stub located within Lynn LN creating a looped system. 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. Applicant's submitted utility plans meet these requirements. 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.

Streets:

Applicant's submitted plans show that the site abuts existing Hezzie LN, Lynn LN, and Toliver RD right-of-ways. Additionally, Applicant proposes to develop a new street "Ivans CT" to serve the site. Applicant to bring all existing frontages to standard in accordance with the Molalla Development Code, Transportation Systems Plan, and Public Works Standards and construct Ivans CT to Local Street Standards prior to building permit issuance. Proposed streets form 90 degree angles as recommended by Molalla Municipal Code.

Toliver RD: Toliver RD is a Major Collector Street under City of Molalla jurisdiction. Applicant shall construct half street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which

includes 11ft travel lane, 7ft bike lane, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall be responsible for installing all associated signing for crosswalks and 25 mph speed signs per City requirements.

Findings: N Hezzie LN: N Hezzie LN is a Neighborhood Route Street under City of Molalla jurisdiction. Applicant shall construct three quarter street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which includes 11ft travel lane, 7ft parking aisles, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall be responsible for installing all associated signing for crosswalks and 25 mph speed signs per City requirements.

Findings: Lynn LN: Lynn LN is a Local Street under City of Molalla jurisdiction. Applicant shall construct three quarter street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which includes 10ft travel lane, 8ft parking aisles, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall install all associated signing for crosswalks and 25 mph speed signs per City requirements.

Roadway lighting is required on all new developments. Applicant shall install roadway lighting. Location and number shall be determined during design review.

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Findings: This standard is met subject to a condition of approval. The Applicant shall confirm a unique name for the proposed replat with the Clackamas County Surveyors office to ensure compliance with ORS Chapter 92.

5. The proposed streets, utilities, and surface water drainage facilities conform to City of Molalla adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

Findings: This standard is met subject to conditions of approval.

Water and Sewer:

See responses to criterion #3.

Drainage and Surface Water:

The development increases the impervious surface area by more than 5,000 square feet. Applicant submitted a Preliminary Drainage Report with their application showing compliance with City of Molalla's 2020 Stormwater Design & Construction Standards. City standards require that the 2, 10 and 25-year storm events be restricted to pre-developed flow rates. Applicant's design engineer shall submit documentation for review and approval of the downstream capacity of any existing storm facilities impacted by the proposed development with Civil Design review. The analysis shall extend downstream to a point in the drainage system where the additional flow from the proposed development site constitutes 10% or less of the total tributary drainage flow. There is no identified existing deficiency within Cities Master Plan that indicates Inadequate Facilities within the limits of the proposed development for storm water.

Onsite private storm system shall comply with plumbing code requirements and shall be reviewed and inspected by Clackamas County Building under a plumbing permit. In accordance with MMC 13.13 Surface Water Management.

Streets:

See responses to criterion #3. Additionally, Applicant shall submit dedication along street frontages on formats approved by the Public Works Department. Applicant is advised that donation must be completed and recorded prior to submission of final plat or with the final partition plat in order for Public Works to process plat documents. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way with final plat documents. If one does exist, Applicant shall provide proof of existing dedication.

Future Connections:

Applicant proposes to construct Lynn LN and N Hezzie LN within the existing right of way dedicated for these roads and to standards specified in the Molalla Transportation Systems Plan and Public Works Standards.

The Applicant proposed construction for Lynn LN extends eastward along the site frontage to connect with the existing partially constructed portion of Lynn LN. Applicant proposes barriers between the existing and proposed portions of Lynn LN since the existing portion only contains twenty feet of paved width and may not be able to accommodate traffic from the development. Feasibility of connecting these two sections with this development will be considered in civil plan review. The Applicant's proposed $\frac{3}{4}$ street improvements for N Hezzie LN will extend to the end of the southern frontage of the site to provide connection to future development of the southern portion of N Hezzie LN.

The Applicant proposes Ivans CT as cul-de-sac, where the cul-de-sac bulb out ends approximately 89 ft south from Toliver RD. Staff finds that Applicant's proposal for a cul-de-sac is appropriate as Ivans CT cannot be extended through to Toliver RD in a way that meets the 600 ft spacing standard for public streets on a Major Collector.

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

Findings: No private common areas are proposed nor are any required. This standard does not apply.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development;

Findings: This standard is met subject to a condition of approval. The Applicant shall obtain any and all required state or federal permits, as applicable, prior to final plat approval or construction as applicable.

8. Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

Findings: The required improvements and/or conditions for this application will be met through conditions precedent to Final Plat Approval, Civil Review Submission, Building Permit Application, and Occupancy Permit, as applicable. The proposal meets this standard.

9. The architectural standards of Section 17-3.2.030.D are met.

Findings: These standards are met subject to a condition of approval.

For lots 1-8 and 10-14 architectural standards, orientation, and design will be evaluated at the time of development.

An existing single-family home will be retained on Lot 9. In accordance with the non-conforming development standards of MMC 17-1.4.030 no alterations to the existing structure will be required in conjunction with this application. Orientation of the building's primary entrance remains towards Toliver RD, meeting MMC 17-3.2.030 B requirements that homes either orient to the street or to a flag stem.

The home's primary entrance currently does not have a walkway that connects to Toliver RD, the street it orients towards, as required by MMC 17-3.2.030 B and the existing driveway that makes that connection will be eliminated as conditioned prior. As a condition of approval, the Applicant shall construct a walkway connecting the primary entrance for Lot 9 with Toliver RD in accordance with MMC 17-3.2.030 B prior to issuance of building permits for other lots in this subdivision.

Exhibit B:

Comments From Molalla Public Works



Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

www.cityofmolalla.com

October 13, 2023

TO: Mac Corthell, Community Development Director
Dan Zinder, Planning Director
Ronda Lockwood, Support Specialist

FROM: Sam Miller, Engineering Section Manager

RE: 814 – 816 Toliver RD (SUB01-2023)

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 Final Plat Approval

- a. Final Plat approval by the City of Molalla (MMC 17-4.3.090) will be required prior to filing and recording with Clackamas County (MMC 17-4.3.100). The City will provide a letter to Clackamas County confirming when all conditions required prior to final plat approval have been fulfilled.
- b. The Applicant shall submit for final plat approval within two years of preliminary plat approval or otherwise receive an extension in accordance with MMC 17-4.3.030 to prevent a lapse of the decision herein.
- c. The Applicant shall obtain any and all required state or federal permits, as applicable, prior to final plat approval. No Building Permit will be issued until final plat approval.
- d. Access for the subdivision shall be taken from the lower classification street (Lynn LN) New access Shall meet TSP spacing standards and constructed per Molalla Standards Specifications for Public Work Construction.
- e. Public Works Standards require a 10' Public Utility Easement (PUE) adjacent to all public right-of-way and no structures are allowed to encroach into the easement. If none exists, the applicant shall dedicate and record a 10' Public Utility Easement (PUE) along all public right-of-way frontage to be shown on the final Plat. If a PUE already exists, provide documentation to the Molalla Public Works Department with final plat application.

2. Conditions Requiring Resolution Prior to Building Permit Approval

- a. Applicant shall submit separate engineering drawings reflecting the installation of public utilities and street improvements. All public improvements shall be completed and accepted by the Public Works Department prior to issuance of any building permit or otherwise bonded. No connection to City service shall be allowed until public improvements are completed (MMC17-3.6.080).
 - I. 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.
 - II. Staff reserves the right to require revisions/modifications to the public improvement construction plan and completed street improvements if additional modifications or expansion of the sight distance onto adjacent streets is required.
- b. Applicant shall be required to submit sanitary sewer design plans to Oregon DEQ for review and approval. Applicant shall provide a Certificate of Capacity to Oregon DEQ prior to building permit submission. No Public Works or Building permits shall be issued without DEQ's approval of the sewer system and the Certificate of Capacity.
- c. The Applicant will be required to extend separate water and sewer service connections from the main for each parcel prior during development.
- d. Applicant will be required to design redeveloped curbing with weep holes.
- e. Applicant shall conform to all emergency access, building, and fire code standards, as applicable. Applicant will be required to meet Oregon Unified Fire Code at the time of building permit submission.
- f. Sidewalk development in accordance with each street's cross section classification from the Molalla TSP will be required at the time of building permitting.
- g. Roadway lighting is required on all new developments. Applicant shall be required to install roadway lighting. Location and number shall be determined during design review.
- h. Each individual lot shall require a ROW Permit.
- i. All lots in the proposed development shall take access from the newly developed "Ivans CT". All Streets and driveway approaches shall be designed and constructed in accordance with the current version of the Public Works Design Standards and Transportation System Plan.

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 building plan submittal. Start of building construction activities are subject to final plat being recorded with the County. No Certificate of Occupancy permits can be issued until public improvements are completed and accepted by Public Works.

[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: Toliver RD: Toliver RD is a Major Collector Street under City of Molalla jurisdiction. Applicant shall be required to construct half street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which includes 11ft travel lane, 7ft bike lane, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall be responsible for installing all associated signing for crosswalks and 25 mph speed signs per City requirements.

Findings: N Hezzie LN: N Hezzie LN is a Neighborhood Route Street under City of Molalla jurisdiction. Applicant shall be required to construct three quarter street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which includes 11ft travel lane, 7ft parking aisles, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall be responsible for installing all associated signing for crosswalks and 25 mph speed signs per City requirements.

Findings: Lynn LN: Lynn LN is a Local Street under City of Molalla jurisdiction. Applicant shall be required to construct three quarter street improvements to City standards and right-of-way donations necessary to be consistent with the Transportation System Plan adopted cross section which includes 10ft travel lane, 8ft parking aisles, curb & gutter, 6 1/2ft curb tight sidewalk, 1/2ft back of sidewalk buffer and streetlighting. Developer shall be responsible for installing all associated signing for crosswalks and 25 mph speed signs per City requirements.

Findings: Applicant shall construct Type 3 barricades at the end of each of N Hezzie LN and Lynn LN with signage as required by the Molalla Public Works Department.

Findings: Access to Public streets shall be limited to Lynn LN. Access spacing shall conform to the Transportation System Plan. The proposed width of access shall meet the Molalla Standard Specification for Public Works Construction.

Findings: All walkways abutting public streets shall be raised 6 inches from the abutting roadway or otherwise separated from vehicle maneuvering areas.

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.a). The proposed development meets thresholds for Traffic Impact Analysis (TIA) due to exceeding the peak hour trip count of 25. A Transportation Analysis Letter (TAL) may be substituted that it meets the condition for a subdivision containing 25 or fewer single-family residences. Applicant shall submit a TAL meeting the criteria specified and the appropriate documents in accordance with 17-3.6.020 (A.4.b). Applicant provided a TAL meeting standards. This criterion is met.

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 Master Plan shows the extension of N Hezzie LN and Lynn LN to the south and east. The developer shall be responsible for constructing three quarter Street improvements to the furthest most edge of the development for future extension of N Hezzie LN (south) connection to Bear Creek Subdivision and Lynn LN (east) to Leroy Ave.

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 submission of final plat or final partition plat in order for Public Works to process plat documents. Applicant will be required to dedicate a 10-foot-wide public utility easement fronting the public right-of-way. If one does 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: 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 interior angle at intersecting streets shall be kept as near 90 degrees as possible, unless existing development or topography make it impracticable. Where intersecting streets cannot be kept at right angles, the interior angle shall in no case be less than 75 degrees. Connecting street intersections shall be located to provide for traffic flow, safety and turning movements, as conditions warrant. Curb Radii shall meet the street function classification minimum turning radius and dedication of right-of-way sufficient to facilitate construction of the Radius.

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: Double frontage lots and corner lots on these streets may be limited to access from a single street, usually the lower classification street. 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 Residential developments driveway access on local street classification shall be a minimum of 50 feet from the nearest intersection (as measured from Centerline of driveway to near face of curb at intersection).

Roadway lighting is required on all new developments. Applicant shall be required to install roadway lighting. Location and number shall be determined during design review.

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 single Family Residential development is not exempt from parks SDC charges. SDC's shall be calculated in accordance with the SDC methodology.

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- Applicant will be required to extend Public Sewer System to serve the development from Lynn LN north into their Development in accordance with the adopted facility master plans. The site will be served from the extension of sewer main by gravity system. 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. Applicant shall be required to submit a Sewer Capacity Analysis Request Form to the departmental of DEQ for approval per OAR Rule 340-52. The City recommends Certificate of Capacity to be submitted prior to their land use or permit application.

Findings: Water – A 12-inch water main exists within Toliver RD and will serve this development. Applicant shall be required to extend an 8-inch main from the existing water main located in Toliver RD and connect to existing stub located within Lynn LN creating a looped system. 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: Applicant shall be required to meet all requirements for extension of the sewer main in accordance with the Wastewater Master Plan and CIP for design.

- 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 MMC 17-3.6.010 and per section 3 of the Molalla Standard Specifications for Public Works Construction and Stormwater Master Plan.

1. Onsite private storm system shall comply with plumbing code requirements and 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: There is no identified existing deficiency within Cities Master Plan that indicates Inadequate Facilities within the limits of the proposed development for storm water.

- 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. Applicants design engineer shall submit documentation for review and approval of the downstream capacity of any existing storm facilities impacted by the proposed development. The analysis shall extend downstream to a point in the drainage system where the additional flow from the proposed development site constitutes 10% or less of the total tributary drainage flow.

- 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: N/A.

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.

- C. **Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter [17-4.2](#) Site Design Review, and Chapter [17-4.3](#) Land Divisions and Property Line Adjustments.

Findings: No easement dedication will be required as all Public sanitary, storm sewer, and water lines will be within Public right-of-way.

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 DEVELOPMENTS

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 meet 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 building permit, 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 C:

Comments From Molalla Fire Department



Molalla Rural Fire Protection District #73

P.O. Box 655 • Molalla, OR 97038
320 N Molalla Ave. Molalla, OR 97038

Telephone: 503-829-2200
Fax: 503-829-5794

Comments for Toliver Subdivision

October 9th, 2023

These comments supersede comments sent October 5th

- 1) Please provide detail of hydrant extensions into subdivision for approval. See OFC Table C102.1. Pay close attention to the footnotes. Hydrants shall have a 4-inch storz fitting on the steamer port. Please note that Section D103.1 requires a specific road width for areas in front of hydrants. There is also a detail for achieving that area below this code site.
- 2) Given the radius on the plans, this will appear to be an 89- foot diameter cul-de-sac. The minimum diameter is 96-foot for this road length. See OFC D103.4. Please explain why the reduction in diameter and how the required diameter will be achieved.
- 3) Will this be a private or public access? If public, cul-de-sac area will be marked as NO PARKING
- 4) Lynn Lane and Hezzy Lane are both substandard width roads. Lynn Lane is gravel road that narrows down it a 16-foot driving surface. What are the plans if any for improvements of these access roads?
- 5) On page P3, there is a note for a proposed barricade. Will N Hezzy Lane not connect with Lynn Lane?
- 6) Please see Appendix "D" of the Oregon Fire Code for placement of No Parking signs. Distance between signs will need to meet City of Molalla Standards if signs are needed.

The above comments are based solely on the site plan provided. Molalla Fire reserves the right to review and comment on the plans that are to be submitted for full review or revisions to plans that have already been reviewed.

Review of submitted plans is not an approval of omissions, oversights or authorization of non-compliance with any regulations of this agency or of the regulations of any other agency. Comments on these plans should not be considered a precedent setting, as we will review each project on a case-by-case basis.

Michael C. Penunuri
Molalla Fire District



www.molallafire.org



Exhibit D:

Application for SUB01-2023



Community Development Department

315 Kennel Ave/PO Box 248
Molalla, OR 97038
Phone 503.759.0205
www.cityofmolalla.com

LAND USE ACTION APPLICATION

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

Annexation: [] Conditional Use: []
Zone Change: [] Partition: []
Comp Plan Amendment: [] Site Design Review: []
Master Plan Development: [] Variance: []
Subdivision: P. Plat [x] Other: _____

Note: Jeff Bolton <JBolton@mtengineering.net> is the primary on this

Applicant information application per an email dated 8/1/2023

Name: Ryan Haselton, EIT - Multi Tech Engineering Svcs. Phone: 503-363-9227

Mailing Address: 1155 13th Street SE

City: Salem State: OR Zip: 97302

Email: rhaselton@mtengineering.net

Owner Information

Name: Rosemary Smith Phone: _____

Mailing Address: 814 Toliver Rd

City: Molalla State: OR Zip: 97038

Email: _____

Property Information

Site address: 816, 814 Toliver Rd

Zoning district: R-1 Overlay: _____ Tax lot # 0900, 1000, 1100

Tax Account Number(s): 01091801, 01091810, 01091829 T: 5S R: 2E S: 8

Property dimensions: 80' X 365', 80' X 365', 120' X 365' Property acreage: 0.67AC, 0.67AC, 1.00AC

Surrounding property uses; North: R-1 South: PSP East: R-1, PSP

West: R-1 Topography: Mostly Flat

Project Information

Description of Proposal: 14-Lot Subdivision with 3 duplex lots

Describe all existing buildings or structures on property: One existing house on T/L 0900
As well as an existing barn on T/L 0900 that is to be removed.

Prior Use: Single-Family Residential

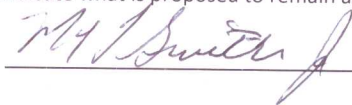
Current Use: Single-Family Residential

Proposed Use: Single-Family Residential

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): _____
 - Subdivision name/date approved: _____
 - Special Planning Permits (attach): Conditional Use/Variance/Other: _____
 - 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 Signature(s):  Date: 6-30-23

Staff Use Only

File #: _____ Initial Fee Amount Paid: _____ Receipt #: _____

Date Fee & Application Received: _____ Person doing intake: _____



First American

First American Title Insurance Company

1 SW Columbia Street, Ste 1600
Portland, OR 97204
Phn - (503)222-3651 (800)929-3651
Fax - (877)242-3513

Order No.: 7072-4000266
September 26, 2022

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

JULIE DUGAN, Escrow Officer/Closer
Phone: (503)659-0069 - Fax: (866)902-9870- Email:jdugan@firstam.com
First American Title Insurance Company
9200 SE Sunnybrook Blvd., Ste 400, Clackamas, OR 97015

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Lauren Finbraaten, Title Officer
Toll Free: (800)929-3651 - Direct: (503)790-7861 - Email: lfinbraaten@firstam.com

Preliminary Title Report

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

County Tax Roll Situs Address: 816 S Toliver Road, Moalla, OR 97038

2021 ALTA Owners Standard Coverage	Liability \$	375,000.00	Premium \$	1,100.00
2021 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2021 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2021 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9.10, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	30.00
City Lien/Service District Search			Cost \$	
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of September 19, 2022 at 8:00 a.m., title to the fee simple estate is vested in:

The heirs or devisees of Rosemary Smith, deceased

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings

by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. Taxes for the fiscal year 2022-2023 a lien due, but not yet payable
8. City liens, if any, of the City of Moalla.

Note: There are no liens as of September 19, 2022. All outstanding utility and user fees are not liens and therefore are excluded from coverage.

9. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: April 11, 1946 as Book 364, Page 667
10. City of Moalla, Ordinance No. 2014-07, an Ordinance annexing island territory into the City of Molalla, withdrawing the territory from special districts, amending the comprehensive plan and rezoning property
Recorded: September 04, 2014 as Fee No. 2014 044855

11. The effect if any of Warranty Deed recorded March 22, 2022 as Fee No. 2022 017249.
12. Due Probate and Administration of the Estate of Rosemary Smith, deceased, Probate No. 22PB03814, which proceedings are pending in the Circuit Court/Superior Court for Clackamas County. Max Leroy Smith, Jr was appointed as Personal Representative and has power to execute the forthcoming conveyance. Attorney for Estate, Walter T Aho.
13. Claims, including taxes, against the Estate of Rosemary Smith, deceased, Case No. 22PB03814, now pending.

- END OF EXCEPTIONS -

NOTE: We find no matters of public record against Double I Construction LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2021-2022 PAID IN FULL

Tax Amount:	\$2,680.47
Map No.:	52E08BA00900
Property ID:	01091801
Tax Code No.:	035-002

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

RECORDING INFORMATION

Filing Address: **Clackamas County**
1710 Red Soil Ct, Suite 110
Oregon City, OR 97045

Recording Fees: **\$ 93.00 First Page**
(Comprised of:
\$ 5.00 per page
\$ 5.00 per document - GIS Fee
\$ 10.00 per document - Public Land Corner Preservation Fund
\$ 11.00 per document - OLIS Assessment & Taxation Fee
\$ 62.00 per document - Oregon Housing Alliance Fee)
\$ 5.00 E-Recording fee per document
\$ 5.00 for each additional page
\$ 5.00 for each additional document title, if applicable
\$ 20.00 Non-Standard Document fee, if applicable

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

Part of Tract 24 THE SHAVER PLACE, according to the duly recorded plat thereof, described as:

Beginning at a point on the southerly line of Toliver County Road, which is 770.00 feet westerly along said southerly line from the intersection of said southerly line with the westerly line of Leroy Avenue as it originally appeared in the plat of Cascade Acres No. 1 (wherein said Leroy Avenue appeared to be 50.00 feet in width) which beginning point is also the northeast corner of that 60.00 foot road conveyed to the public, by deed recorded in Book 449 at Page 291, Clackamas County records; from said beginning point running thence southerly parallel with the 60.00 foot road conveyed in Book 449 at Page 291, a distance of 365.00 feet to a point; running thence easterly parallel with the southerly line of the Toliver County Road, a distance of 80.00 feet to a point; running thence northerly parallel with the 60.00 foot road conveyed in Book 449 at Page 291, a distance of 365.00 feet to the south line of Toliver County Road; running thence westerly along said south line 80.00 feet to the place of beginning.

NOTE: This legal description was created prior to January 1, 2008.



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement erected on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
 - b. any governmental forfeiture, police, regulatory, or national security power.
 - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
 3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
 4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
 5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury law or Consumer Protection Law.
 6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 13.b.
 7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
 8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
 9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

ALTA OWNER'S POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
 - i. the occupancy, use, or enjoyment of the Land;
 - ii. the character, dimensions, or location of any improvement on the Land;
 - iii. the subdivision of land; or
 - iv. environmental remediation or protection.
 - b. any governmental forfeiture, police, regulatory, or national security power.
 - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
 3. Any defect, lien, encumbrance, adverse claim, or other matter:
 - a. created, suffered, assumed, or agreed to by the Insured Claimant;
 - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - c. resulting in no loss or damage to the Insured Claimant;
 - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
 - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
 - a. fraudulent conveyance or fraudulent transfer;
 - b. voidable transfer under the Uniform Voidable Transactions Act; or
 - c. preferential transfer:
 - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
 - ii. for any other reason not stated in Covered Risk 9.b.
 5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
 6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
 7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

Rev. 07-01-21



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2022

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information with the exception that a subsidiary or affiliate has their own privacy policy, that policy governs. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of personal information we have collected about or from you; (2) the categories of sources from which the personal information was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your personal information; and (5) the specific pieces of your personal information we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097

Right of Deletion. You also have a right to request that we delete the personal information we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. To the extent any First American affiliated entity has a different practice, it will be stated in the applicable privacy policy. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of personal information we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

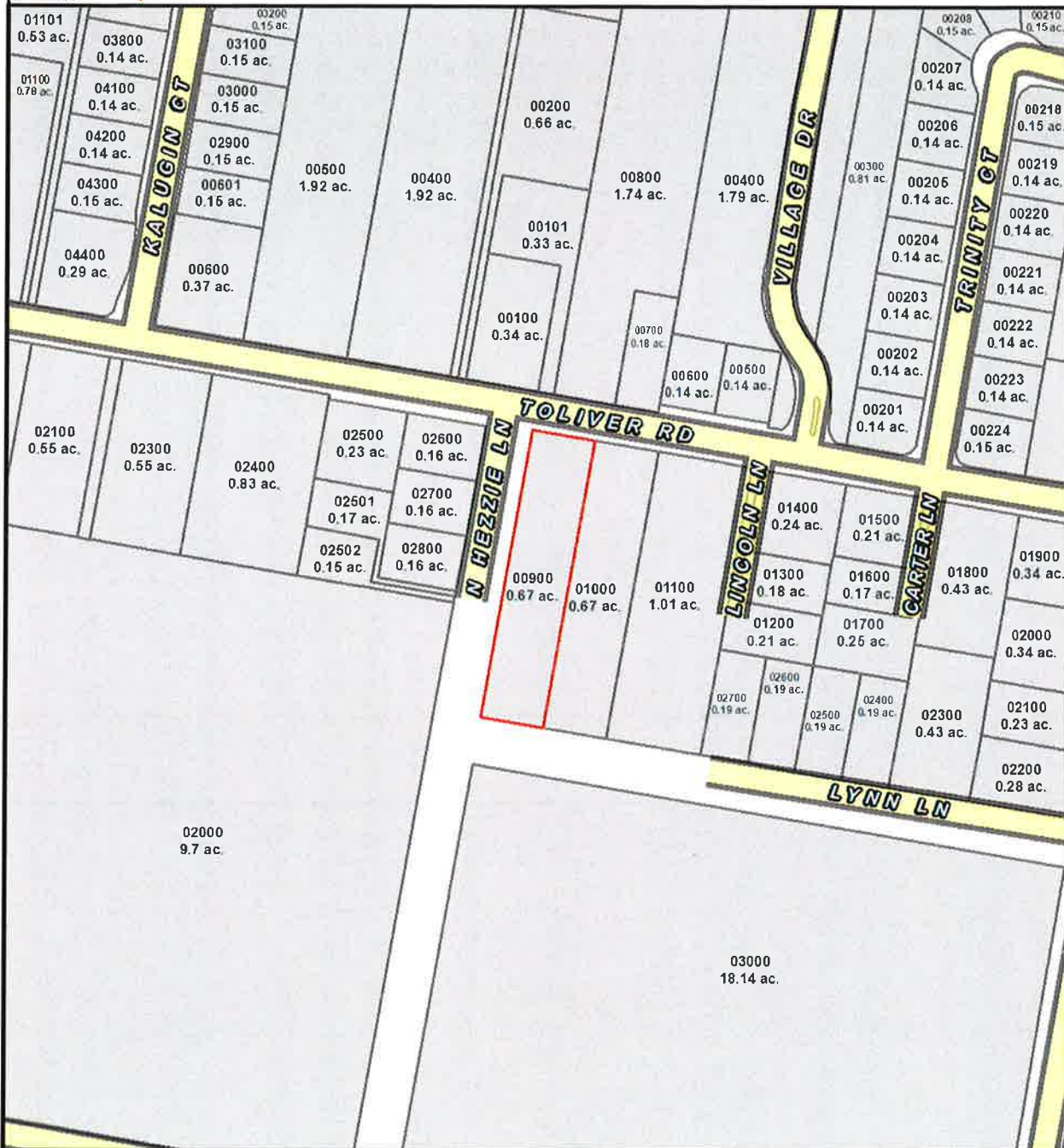
Notice of Sale. We have not sold the personal information of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of personal information we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.



First American Title

52E08BA00900
816 Toliver Rd
Molalla, OR 97038



Taxlot



Subject

Taxlot

9/23/2022

FIRST AMERICAN TITLE INSURANCE COMPANY MAKES NO WARRANTY OR IMPLIED WARRANTY REGARDING THE INFORMATION PROVIDED AND ACCEPTS NO RESPONSIBILITY FOR ANY LOSS OR DAMAGE TO ANY INFORMATION. FIRST AMERICAN TITLE INSURANCE COMPANY IS A MEMBER OF THE FIRST AMERICAN FINANCIAL CORPORATION. INFORMATION IS PROVIDED BY MOORE JUNCTION, OR. OR WWW.MOREJUNCTIONOR.COM. INFORMATION IS COPYRIGHTED AND PROVIDED BY GREATBAYOR. OR WWW.GREATBAYOR.ORG

Tolvier Road Subdivision MOLALLA

INTRODUCTION:

The subject property is zoned R-1 and consists of approximately 2.34 acres. The subject property has frontage on Lynn Lane to the south, frontage on N. Hezzie Lane to the west, and frontage on Toliver Road to the north. The tax records show two tax parcels: T5S, 2E, 08BA Tax Lots 900, 1000, and 1100. The tax parcels are under the same ownership.

PROPOSAL:

The proposal is to divide the subject property into 14 lots, with Lots 6, 7, and 8 being designated for duplex. There is an existing single-family dwelling located on proposed Lot 9 the site that will remain. With lots ranging in size from 5,012 square feet to 8,437 square feet.



SUBDIVISION CRITERIA 17-4.3.070:

- 1. The land division application shall conform to the requirements of Chapter 17-4.3;**

Applicant Response:

- 2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Division II Zoning Regulations, except as modified by the provisions of Chapter 17-4.3 (e.g., lot size averaging);**

Applicant Response: The subject property is zoned R-1 and subject to the requirements of Chapter 17-2.2:

Lot Size:	Required (SFD detached)-5,000sq.ft Required (Duplex)-5,000sq.ft	Provided-5,012sq.ft to 8,437sq.ft Provided (Lots 6,7,8)-6,212 to 7,912sq.ft
Lot Width:	Required (SFD detached)-50' Required (Duplex)-50'	Provided-(Lots 1-5, 10)-43' to 47' -A variance to lot width has been requested (Lots 11-14)-50' to 57' (Lot 9/Flag Lot)-20' (Lots 6-8/Duplex)-25' to 37' -These lots are located on a cul-de-sac
Lot Depth:	Required (SFD/Duplex)-80'	Provided-88' to 117'

17-4.3.050:

Lot Size Averaging: The proposal is for a 14-lot subdivision, with Lots 6, 7, and 8 designated for duplex. The proposal is for needed housing and provides housing within the area. Due to the size and location of the property and in order to provide density, Lots 1-5 and Lot 10 do not meet the lot width requirements of 50 feet. Lots 1-5 and Lot 10 are about 43 to 47 feet in width.

The density on the site allows a minimum of 8 units and a maximum of 18 units. The applicant is proposing 14-lots with three lots designated for duplex which would then total 17 units. Therefore, the proposal does not exceed density requirements and should therefore be allowed to provide a 3 to 7-foot lot width reduction. The additional lots will be compatible with the surrounding residential uses, while providing additional needed housing in the area.

Flag Lots: There is one flag lot located within the proposed subdivision. Lot 9 is designated as a flag lot. The existing single-family dwelling will remain on Lot 9. Lot 9 is 8,437 square feet in size and meets the requirements of the Code.

Block Length: Due to the location of the existing streets and the street connection to the south, there are no blocks within the subdivision that exceed 300 feet in length. There are more than enough street frontage for the proposed development, therefore, block lengths are in compliance with code.

As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern throughout the development for vehicles and pedestrians with the proposed cul-de-sac. Along with having street frontage on Lynn Lane (south), N. HESSIE Lane (west), and Toliver Road (north).

The proposal develops the subject property within an established residential area where local and arterial streets exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The proposed subdivision is in compliance with lot standard requirements and required access. Therefore, this criteria has been met.

3. Access to individual lots, and public improvements necessary to serve the development, including, but not limited to, water, sewer, and streets, shall conform to Division III Community Design Standards;

Applicant Response: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Comprehensive Plan Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. Therefore, this criterion has been met.

The Public Works Department will address the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application.

The proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances.

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Applicant Response: The subdivision's name is Toliver Road Subdivision and at this time is not being used for another subdivision with Clackamas County or the City of Molalla.

5. The proposed streets, utilities, and surface water drainage facilities conform to City of Molalla adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

Applicant Response: The developer is responsible for extending the necessary lines and providing connections at the time of development. Engineered construction plans will be submitted to the City as part of the construction plan submittal process. The City is responsible for reviewing and approving construction plans to assure compliance with code. Thus, the proposal complies or will comply with this standard for issuance of building permits.

The applicant has provided a preliminary grading and drainage plan prepared by a Professional. Storm drain plans as required. A Preliminary Drainage Report dated June 27, 2023, has been provided as part of this submittal.

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

Applicant Response: There are no common areas or improvements proposed for this subdivision.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development;

Applicant Response: There are no State or Federal permits that have to be obtained before approval of the final plat. All necessary or required permits will be obtained prior to development.

8. Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

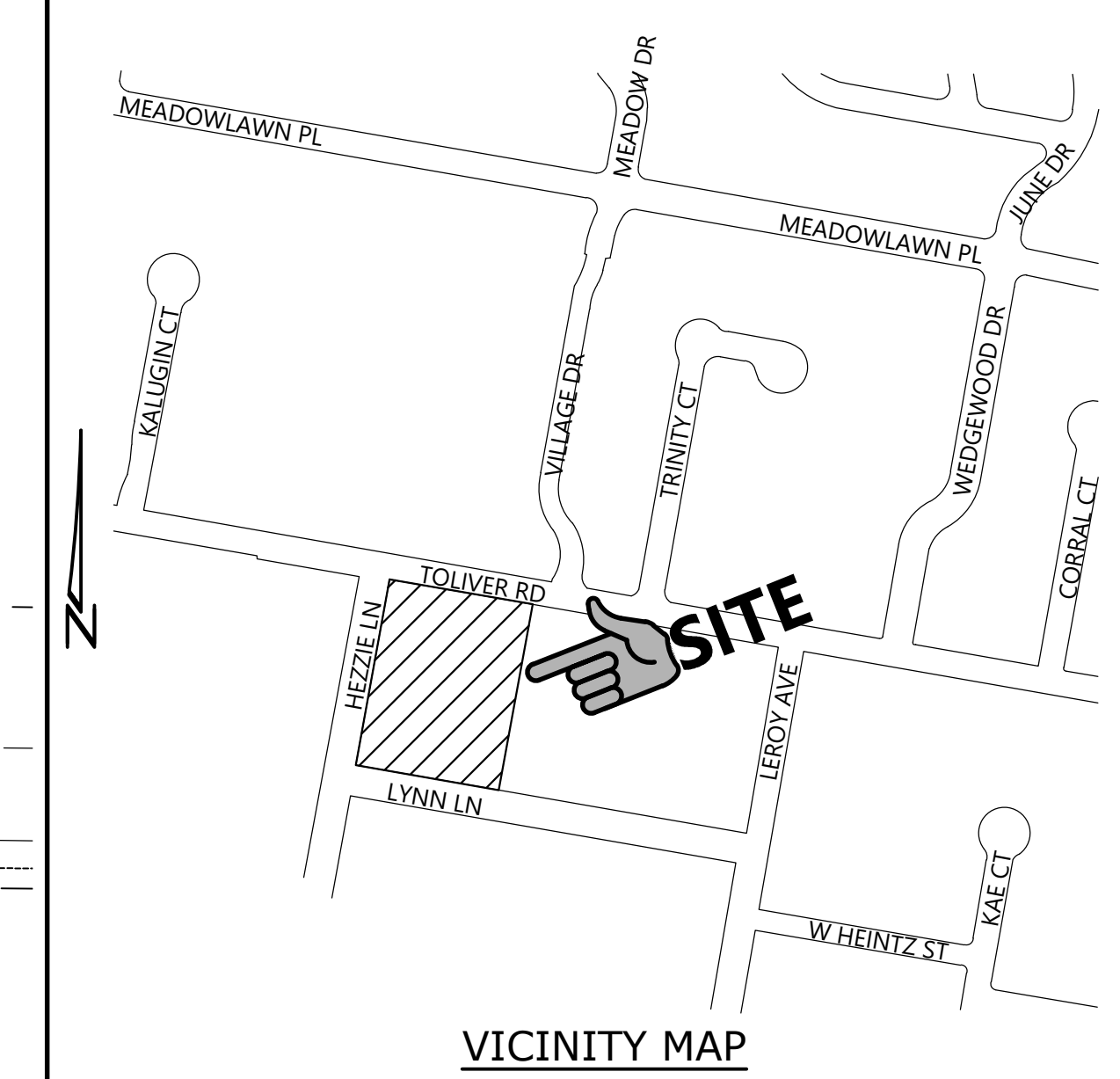
Applicant Response: Conditions of Approval will outline the required improvements from all City agencies, road authority, Clackamas County, and any service providers. The Conditions of Approval will be met prior to development of the site or recordation of the plat. Therefore, this criteria will be met.

9. The architectural standards of Section 17-3.2.030.D are met.

Applicant Response: The required architectural standards for duplex and single-family dwellings will be met and reviewed for compliance at the time of building permit submittal. Therefore, this criteria will be met prior to development.

TOLIVER ROAD SUBDIVISION

T. 5 S., R. 2 E., SEC. 8 W.M.
CITY OF MOLALLA
CLACKAMAS COUNTY, OREGON



MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OR, 97302
PH: (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

**PRELIMINARY PLAT
COVER SHEET**

TOLIVER RD SUBDIVISION

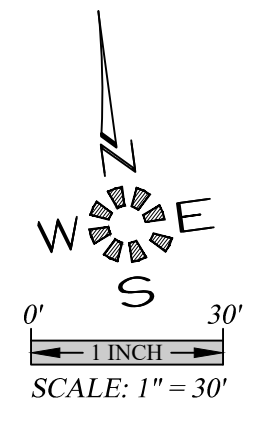
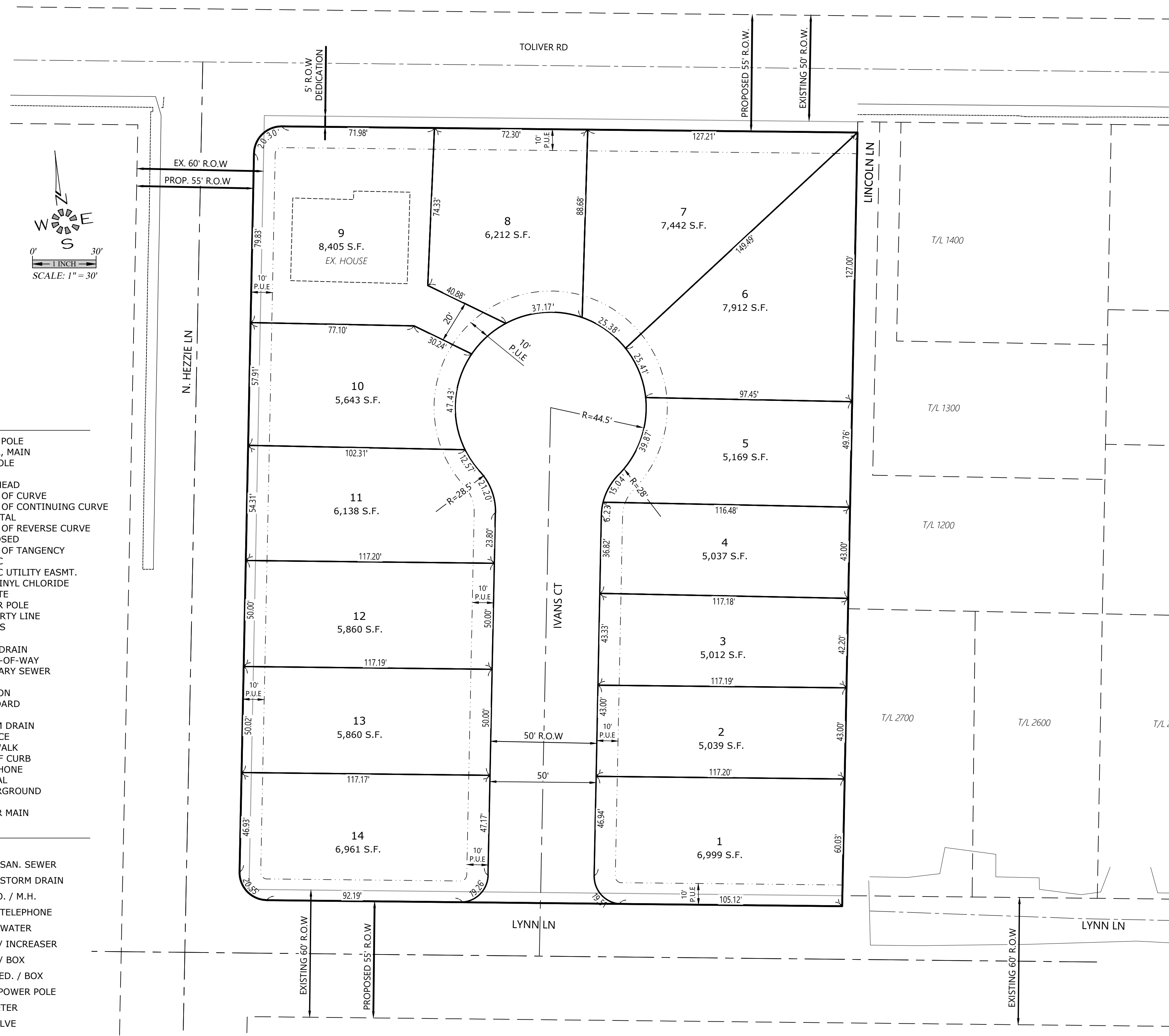
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75259 P1
Design: M.D.G.
Drawn: R.P.H.
Checked: J.C.B.
Date: JUNE 2023
Scale: AS SHOWN
As-Built:



EXPIRES: 06-30-2025
JOB # 7525

P1



ABBREVIATIONS			
A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL.	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R-	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROOF DRAIN
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN.S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STM.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVC.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	VL.	VAULT
L	LENGTH, LINE	W.M.	WATER MAIN

SYMBOLS			
EXIST. PROP.	EXIST. PROP.		
⊕	BLOW OFF ASSY.	⊕	MANHOLE SAN. SEWER
⊞	CATCH BASIN	⊕	MANHOLE STORM DRAIN
⊞	CATCH BASIN CLEANOUT	⊕	2" DIA. C.O. / M.H.
⊞	CATCH BASIN INLET	⊕	MANHOLE TELEPHONE
⊞	CATV PED. / BOX	⊕	MANHOLE WATER
○	CLEANOUT	▽	REDUCER / INCREASER
⊞	ELEC. PED. / BOX	⊞	TEL. PED. / BOX
⊞	FIRE HYDRANT	⊞	TRAFFIC PED. / BOX
⊞	GAS LOCATION MARKER	⊞	UTILITY / POWER POLE
⊞	GAS VALVE	⊞	WATER METER
⊞	MAIL BOX	⊞	WATER VALVE
---	CABLE TELEVISION	---	SANITARY SEWER EXIST.
---	CENTERLINE	---	SANITARY SEWER PROP.
---	DITCH C.L.	---	STORM DRAIN EXIST.
---	ELECTRICAL LINE	---	STORM DRAIN PROP.
---	GAS MAIN	---	WATER MAIN EXIST.
---	TELEPHONE LINE	---	WATER MAIN PROP.

Owner
ROSEMARY SMITH
814 S TOLIVER RD
MOLALLA, OREGON, 97038

Developer:
IVAN IVANOV
1515 NE LAUREL AVE
WOODBURN, OREGON, 97071

PROPERTY INFORMATION:
ADDRESS: 814-816 TOLIVER RD,
MOLALLA, OR, 97038
TAX LOTS: 900, 1000, 1100
DEVELOPMENT AREA: 2.34AC
CURRENT ZONE: R-1 (SINGLE-FAMILY
RESIDENTIAL)
LOCATION: TOLIVER RD & HEZZIE LN
NE OF MOLALLA ELEMENTARY SCHOOL
W OF LINCOLN LN

PROJECT CIVIL ENGINEER:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E.
SALEM, OR, 97301
ATTN: MARK GRENZ, P.E.

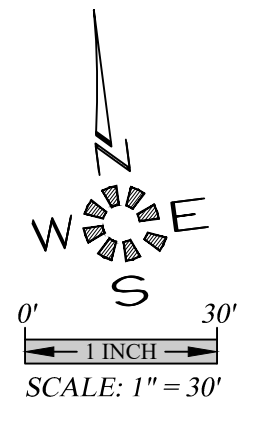
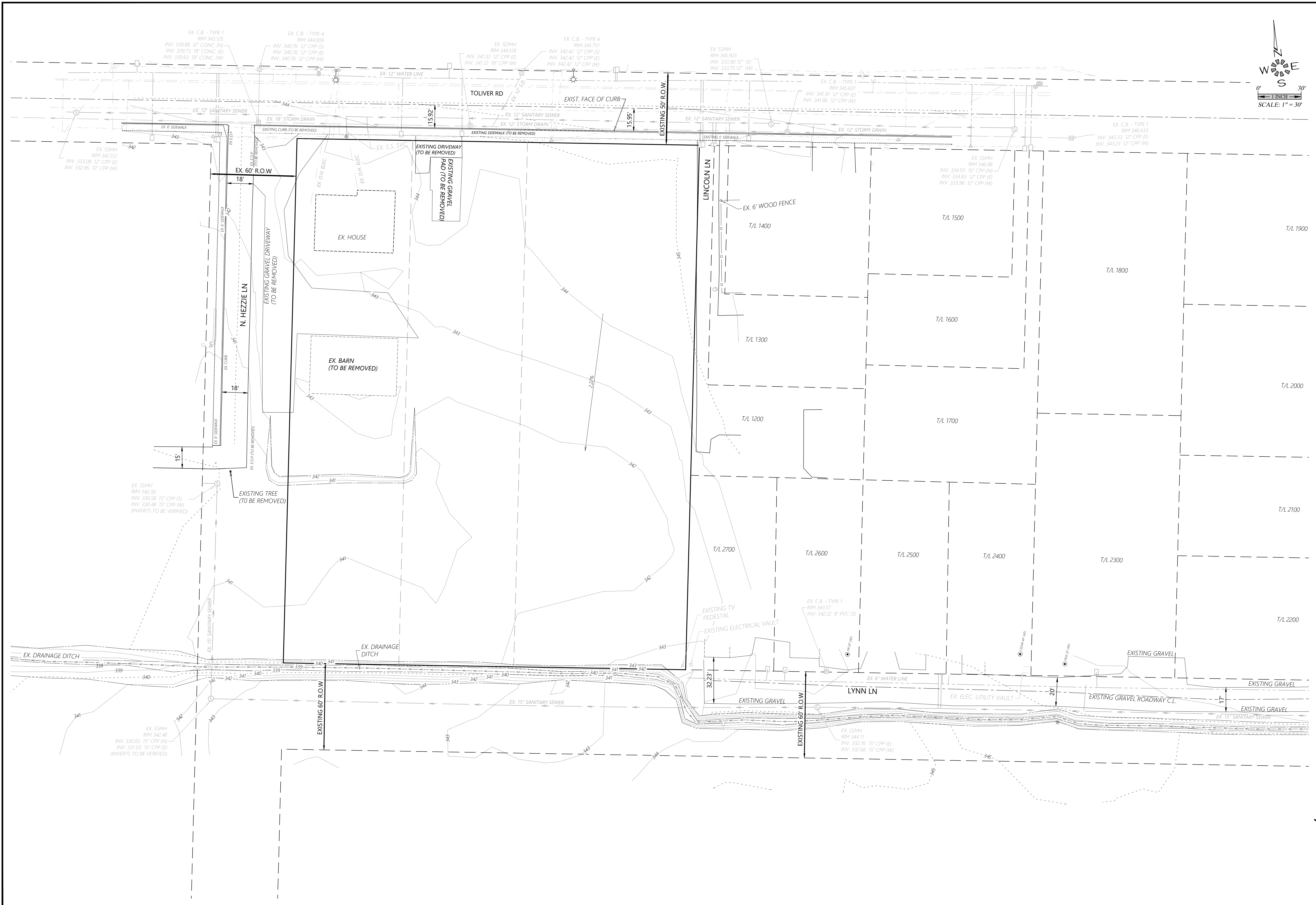
PROJECT SURVEYOR:
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1155 13TH ST. S.E.
SALEM, OR, 97301
ATTN: ROBERT HAMMAN, P.L.S.

BENCHMARK
CLACKAMAS COUNTY BENCHMARK
SN2009-187
MONUMENT BOX LOCATED SOUTH OF TOLIVER
RD ON LEROY AVE
ELEVATION = 347.02
NAVD 88

UTILITIES:
CABLE _____ MOLALLA COMMUNICATIONS 503-829-1100
POWER _____ PORTLAND GENERAL ELECTRIC (PGE)
503-323-6700
PHONE _____ MOLALLA COMMUNICATIONS 503-829-1100
GAS _____ N.W. NATURAL GAS 503-422-4012 x2427
STORM DRAIN, SANITARY SEWER &
WATER _____ CITY OF MOLALLA 503-829-6855

SHEET INDEX

P1	COVER SHEET
P2	EXISTING CONDITIONS PLAN
P3	PUBLIC STREET/DRAINAGE PLAN
P4	PUBLIC UTILITY PLAN



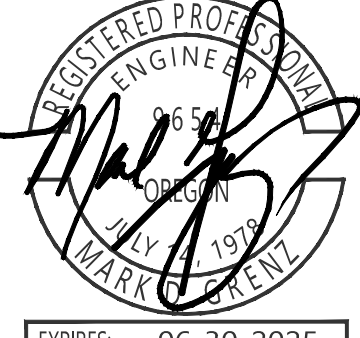
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 www.mtengineering.net office@mtengineering.net

**PRELIMINARY PLAT
 EXISTING
 CONDITIONS
 PLAN**

**TOLIVER ROAD
 SUBDIVISION**

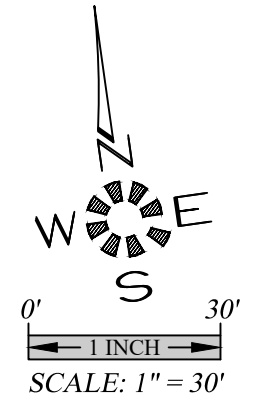
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7525P - P2
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 Drawn: R.P.H.
 Checked: J.C.B.
 Date: JUNE 2023
 Scale: AS SHOWN
 As-Built: _____



EXPIRES 06-30-2025
 JOB # 7525

P2



**PRELIMINARY PLAT
 PUBLIC STREET &
 DRAINAGE PLAN**

TOLIVER RD SUBDIVISION

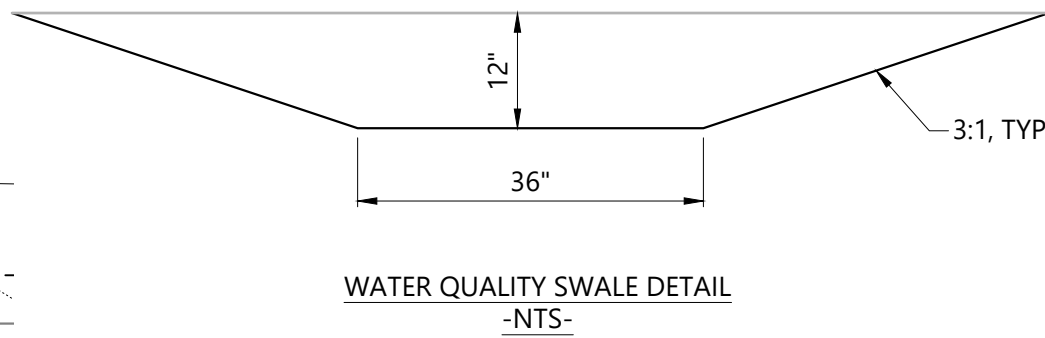
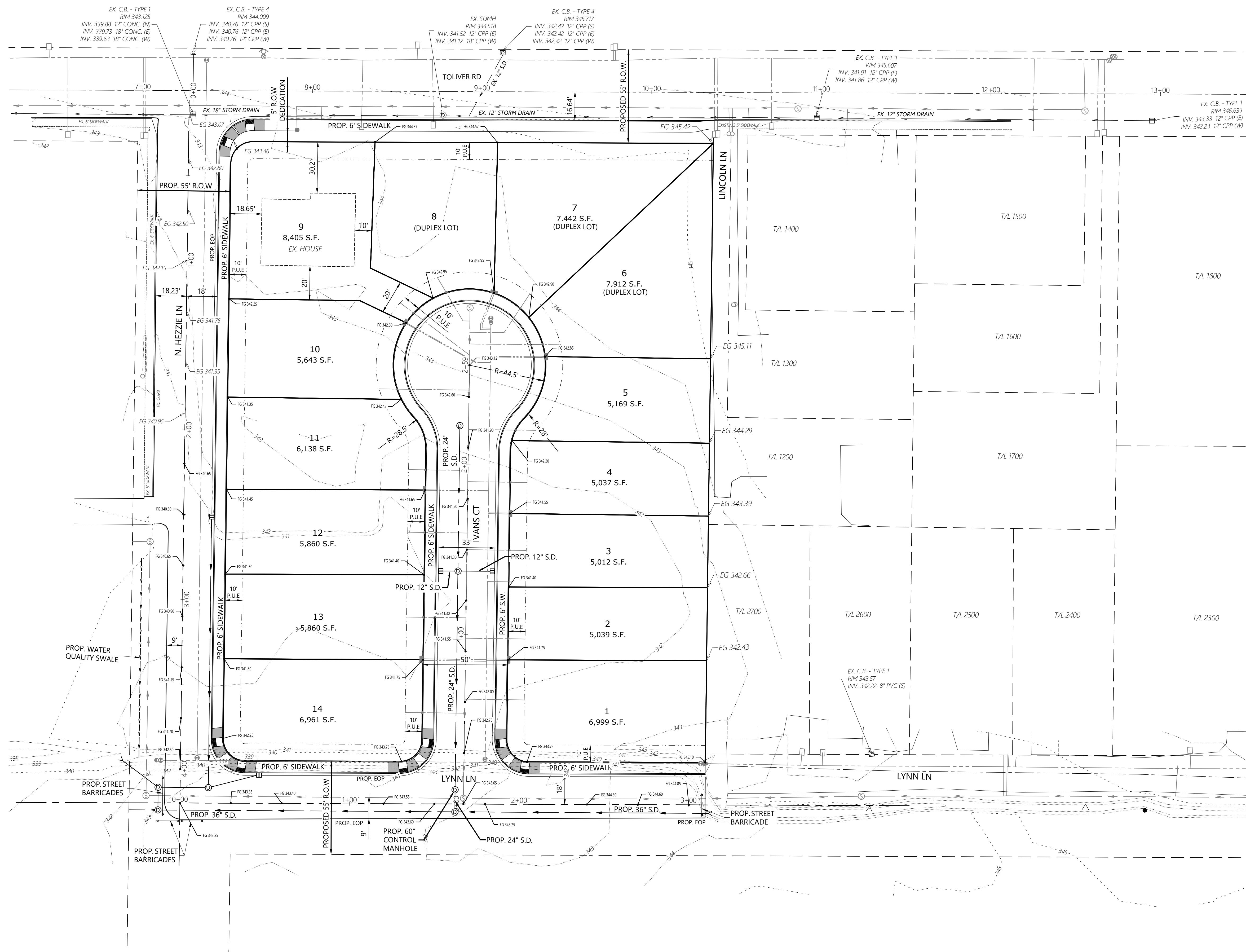
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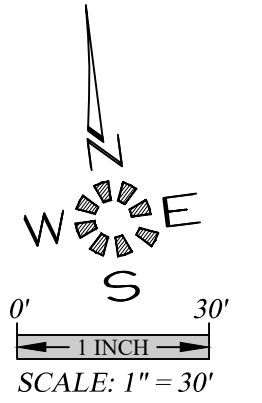


EXPIRES: 06-30-2025
 JOB # 7525

P3



STREET DESIGNATIONS
 TOLIVER ROAD - COLLECTOR
 NORTH HEZZIE LANE -
 NEIGHBORHOOD ROUTE
 LYNN LANE - LOCAL STREET
 IVANS COURT - LOCAL STREET



**PRELIMINARY PLAT
 PUBLIC UTILITY PLAN**

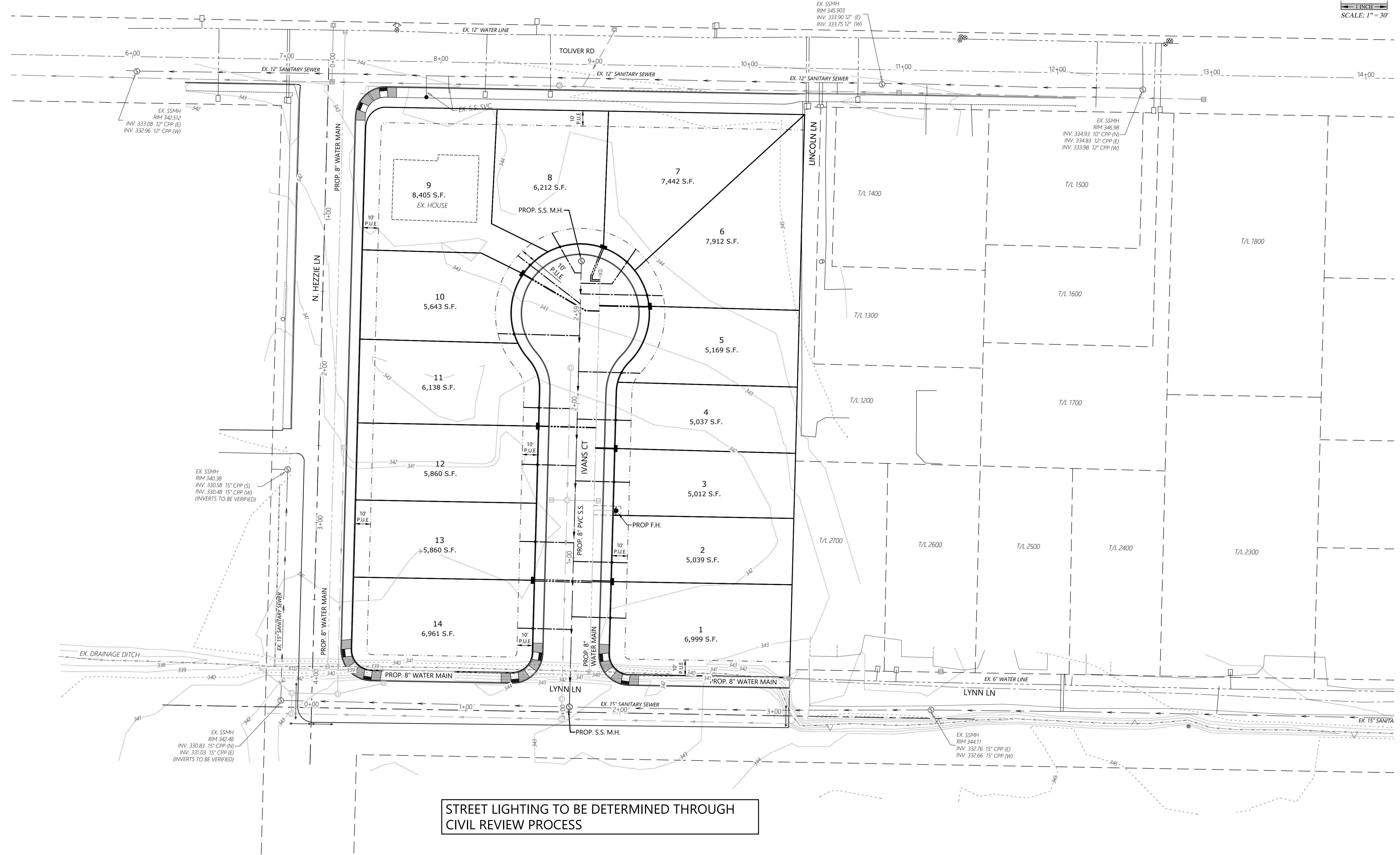
TOLIVER RD SUBDIVISION

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EXPIRES 06-30-2025
 JOB # 7525



STREET LIGHTING TO BE DETERMINED THROUGH
 CIVIL REVIEW PROCESS

**PRELIMINARY DRAINAGE REPORT
FOR**

**Toliver Road Subdivision
Molalla, Oregon**

**Prepared For:
Ivanoff Investment Group, LLC
9500 SE Clackamas Road
Clackamas, Oregon 97015**

June 27, 2023



1155 13th Street SE
Salem OR 97302
www.mtengineering.net

PHONE: (503) 363-9227
FAX: (503) 364-1260
EMAIL: mhendrick@mtengineering.net



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Appendix A	Maps
Appendix B	Soils Report
Appendix C	Time of Concentration Data
Appendix D	Storm Analysis

PROJECT DESCRIPTION

The applicant is applying to the City of Molalla to subdivide a parcel of land into 13 lots. The location of the site is 816 S. Toliver Road. The parcel of lands to be developed are Tax Lots 900, 1000, and 1100 of Clackamas County Assessor's map 5 2E 8BA. A vicinity map and supporting maps are in Appendix A of this report.




Project Site

The development will consist of residential lots with paved streets and typical residential amenities on a 2.34-acre parcel. The proposed development will be connected to public water and public sewer. Stormwater detention and water quality will be designed per the City of Molalla Public Works Design Standards.

EXISTING CONDITIONS

The 2.34-acre site is generally rectangular in shape. Surface vegetation consists of meadow type grasses with residential structures. There is a drainage ditch located along the southerly property line that is the historical outlet point. An aerial image of the site can be seen above.



A topographical high point is located near the northeasterly portion of the site. Drainage from this high point flows southwesterly. The topographic relief is approximately 4.5-feet with a high point elevation of approximately 340.5-feet. Because of the surrounding development, the parcel of land has been considered hydrologically isolated.

Most of the abutting properties are single family residences with public improvements that include storm water conveyance systems. Appendix A contains maps of existing and proposed conditions.

SOILS

The Soil Conservation Service Soil Survey of Clackamas County identifies the predominate soil on the site as a: Dayton silt loam (map unit 29). The soil is in hydrologic soil group D. Appendix B contains the NRCS soil survey for the site.

DEVELOPED CONDITIONS

The proposed subdivision will develop approximately 2.34-acres of the site with asphalt streets, sidewalk, and residential structures that will create new impervious surfaces. A copy of the site plan is shown in Appendix A of this report.

The site will ultimately drain to an existing ditch conveyance system located along the southerly boundary. Connections points to this system will be constructed to serve the development. Detention will be provided via detention pipes located within the site. The system will have a capacity to detain approximately 1,000 cubic feet of water and will outlet into the existing ditch conveyance system.

STORMWATER ANALYSIS

The Rational Method, $Q=CiA$, was used for determining the required detention for the project. Stormwater conveyance and detention will be designed per the 2020 City of Molalla's Public Works Design Standards for Stormwater Management. According to the manual, the design storm for developed conditions with detention is the 2-year, 10-year and 25-year storm events. Runoff from the project is limited to the pre-developed flow rate for the respective storm events.

Runoff coefficients for pre-developed and post developed conditions were obtained from the ODOT Hydraulics Manual. A pre-developed runoff coefficient of 0.40 was used for the existing Light

Residential; Rolling slopes and a post developed runoff coefficient of 0.55 was used for Normal Residential; Rolling.

The time of concentration was calculated to be approximately 21 minutes. The calculations with supporting data are in Appendix C. The rainfall intensities for the 2-year, 10-year and 25-year events are 0.87, 1.47 and 1.76 inches/hour, respectively. The tabulated City of Molalla 7 IDF Curve sheets are attached for reference in Appendix D. The calculated allowable pre-developed flow rates are 0.81 cfs, 1.38 cfs and 1.68 cfs for the 2.34-acre site.

STORMWATER MANAGEMENT

Design Elements

Stormwater management will be accomplished via flow and volume control as well as water quality treatment.

Flow and volume control will be accomplished by restricting developed flow rates to pre-developed rates using the City of Molalla's 2020 Stormwater Design & Construction Standards. city standards require that the 2, 10 and 25-year storm events be restricted to pre-developed flow rates.

STORMWATER DETENTION

In the detention analysis of the site, the 2.34-acre developed area was considered a single basin. Site grading and conveyance pipes will direct stormwater runoff to a sub-surface detention system located within the site. The detention system was sized for full development conditions. Appendix D contains the analysis and supporting data. A summary table is located below with the pertinent data.

Storm Event	Allowable Release Rate (cfs)	Required Detention (cu. ft.)	Provided Detention (cu. ft.)
2-year	0.87	541	1,000
10-year	1.38	875	1,000
25-year	1.68	950	1,000

Basin Summary



WATER QUALITY

The WQ flow rate for the development will be calculated using the City of Molalla's Design Standards. The pollution reduction goal for this project is 70% removal of total suspended solids (TSS) for 80% of the stormwater generated from the Impervious Surface Area (ISA).

Because the street section encompasses most of the right-of-way, poor percolating soils, and an existing shallow drainage ditch along the southerly property line that is the historical drainage outlet point, standard water quality treatment is not viable. It is requested that proprietary devices or modification of the downstream drainage swale to incorporate water quality treatment be allowed for the development of the site. We will coordinate with city engineering forces to design an alternative system acceptable to the city.

CONCLUSION

The proposed stormwater design will provide detention that meets the City of Molalla requirements. The post-developed runoff flow rates will be controlled to pre-developed flow rates for the 2, 10 and 25-year storm events. The proposed water quality treatment facilities meet all the design criteria specified by the City of Molalla.

CONTACT

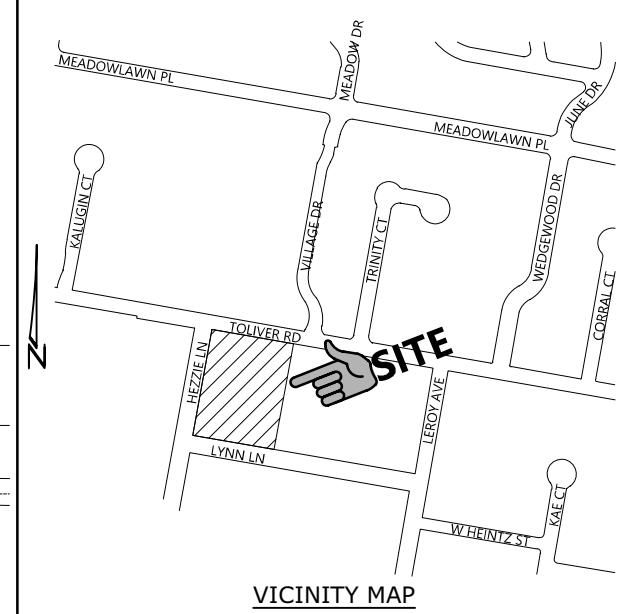
For any questions regarding the information presented in this Stormwater Management Plan, please contact Matthew Hendrick at Multi/Tech Engineering by phone at (503) 363-9227 or via e-mail at mhendrick@mtengineering.net.



Appendix A

TOLIVER ROAD SUBDIVISION

T. 5 S., R. 2 E., SEC. 8 W.M.
CITY OF MOLALLA
CLACKAMAS COUNTY, OREGON



MULTI/TECH
ENGINEERING SERVICES, INC.
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**PRELIMINARY PLAN
COVER SHEET**

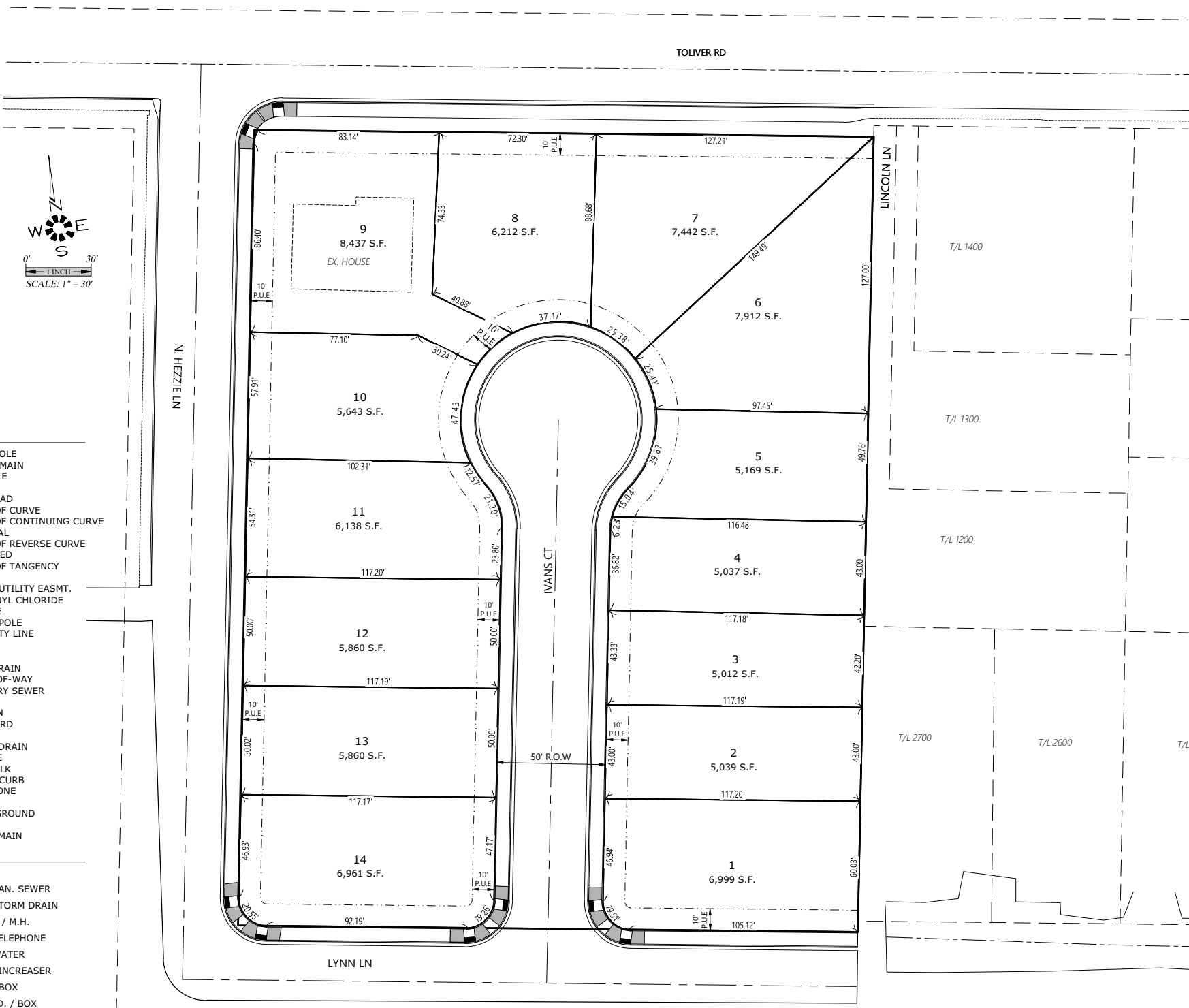
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Date: JUNE 2023
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As-Built: _____

REGISTERED PROFESSIONAL ENGINEER
MARK GRENZ
EXPIRES: 06-30-2023
JOB # 7525

P1



Owner
ROSEMARY SMITH
814 S TOLIVER RD
MOLALLA, OREGON, 97038

Developer:
IVAN IVANOV
1515 NE LAUREL AVE
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W OF LINCOLN LN

PROJECT CIVIL ENGINEER:
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1155 13TH ST. S.E.
SALEM, OR, 97301
ATTN: MARK GRENZ, P.E.

PROJECT SURVEYOR:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E.
SALEM, OR, 97301
ATTN: ROBERT HAMMAN, P.L.S.

BENCHMARK
CLACKAMAS COUNTY BENCHMARK
SN2009-187
MONUMENT BOX LOCATED SOUTH OF TOLIVER
RD ON LEROY AVE
ELEVATION = 347.02
NAVD 88

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STORM DRAIN, SANITARY SEWER &
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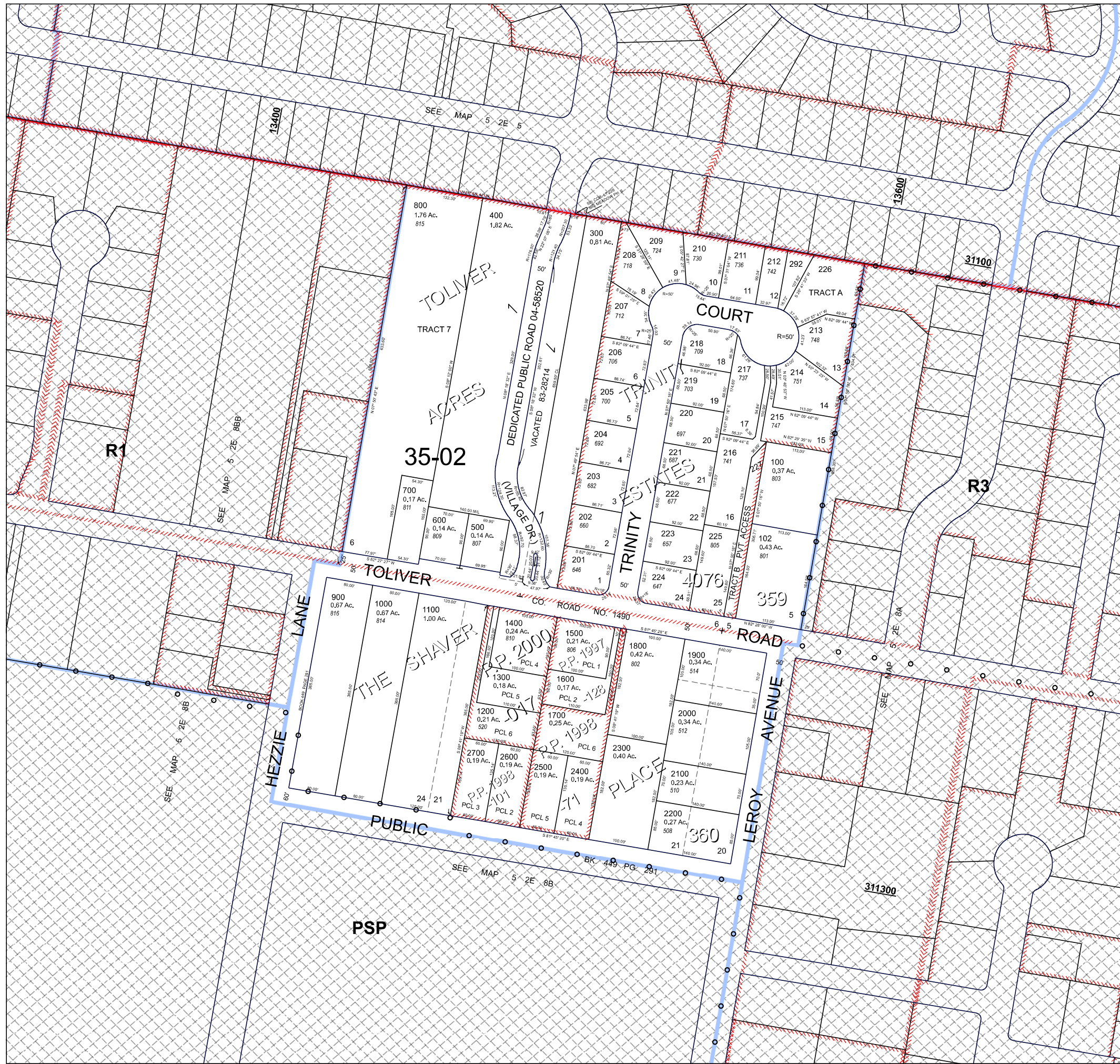
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EOP, E.P.	EDGE OF PAVEMENT
ELEC.	ELECTRIC
ELEV. or EL.	ELEVATION
EX. or EXIST.	EXISTING
FT.	FEET
F.F.	FINISH FLOOR
F.G.	FINISH GRADE
F.H.	FIRE HYDRANT
F.M.	FORCE MAIN
GUT. or GTR.	GUTTER
G.V.	GATE VALVE
IMP.	IMPROVEMENT
INST.	INSERT
INV. or I-	INVERT
L	LENGTH, LINE
L.P.	LIGHT POLE
M	METER, MAIN
M.H.	MANHOLE
MTL.	METAL
O.H.	OVERHEAD
PC	POINT OF CURVE
PCC	POINT OF CONTINUING CURVE
PED.	PEDESTAL
PRC	POINT OF REVERSE CURVE
PROP.	PROPOSED
PT	POINT OF TANGENCY
PUB.	PUBLIC
PUE	PUBLIC UTILITY EASMT.
PVC	POLYVINYL CHLORIDE
PVT.	PRIVATE
P.P.	POWER POLE
P.L.	PROPERTY LINE
R	RADIUS
R-	RIM
RD	ROOF DRAIN
R.O.W.	RIGHT-OF-WAY
SAN.S. or S.S.	SANITARY SEWER
S	SLOPE
STA.	STATION
STD.	STANDARD
STL.	STEEL
STM.DRN. or S.D.	STORM DRAIN
SVC.	SERVICE
SW	SIDEWALK
T.C.	TOP OF CURB
TEL.	TELEPHONE
TYP.	TYPICAL
U.G.	UNDERGROUND
VL.	VAULT
W.M.	WATER MAIN

SYMBOLS			
	BLOW OFF ASSY.		MANHOLE SAN. SEWER
	CATCH BASIN		MANHOLE STORM DRAIN
	CATCH BASIN CLEANOUT		2' DIA. C.O. / M.H.
	CATCH BASIN INLET		MANHOLE TELEPHONE
	CATV PED. / BOX		MANHOLE WATER
	CLEANOUT		REDUCER / INCREASER
	ELEC. PED. / BOX		TEL. PED. / BOX
	FIRE HYDRANT		TRAFFIC PED. / BOX
	GAS LOCATION MARKER		UTILITY / POWER POLE
	GAS VALVE		WATER METER
	MAIL BOX		WATER VALVE
	CABLE TELEVISION		SANITARY SEWER EXIST.
	CENTERLINE		SANITARY SEWER PROP.
	DITCH C.L.		STORM DRAIN EXIST.
	ELECTRICAL LINE		STORM DRAIN PROP.
	GAS MAIN		WATER MAIN EXIST.
	TELEPHONE LINE		WATER MAIN PROP.

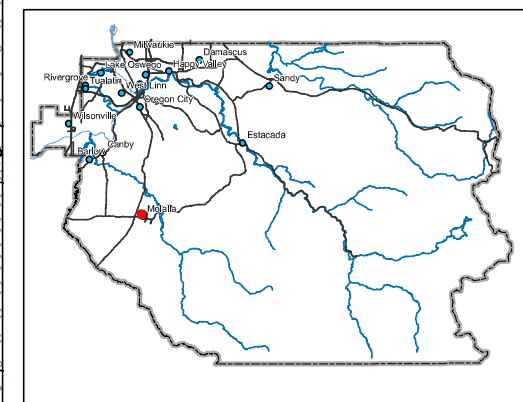
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Cancelled Taxlots
101
200

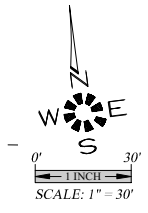
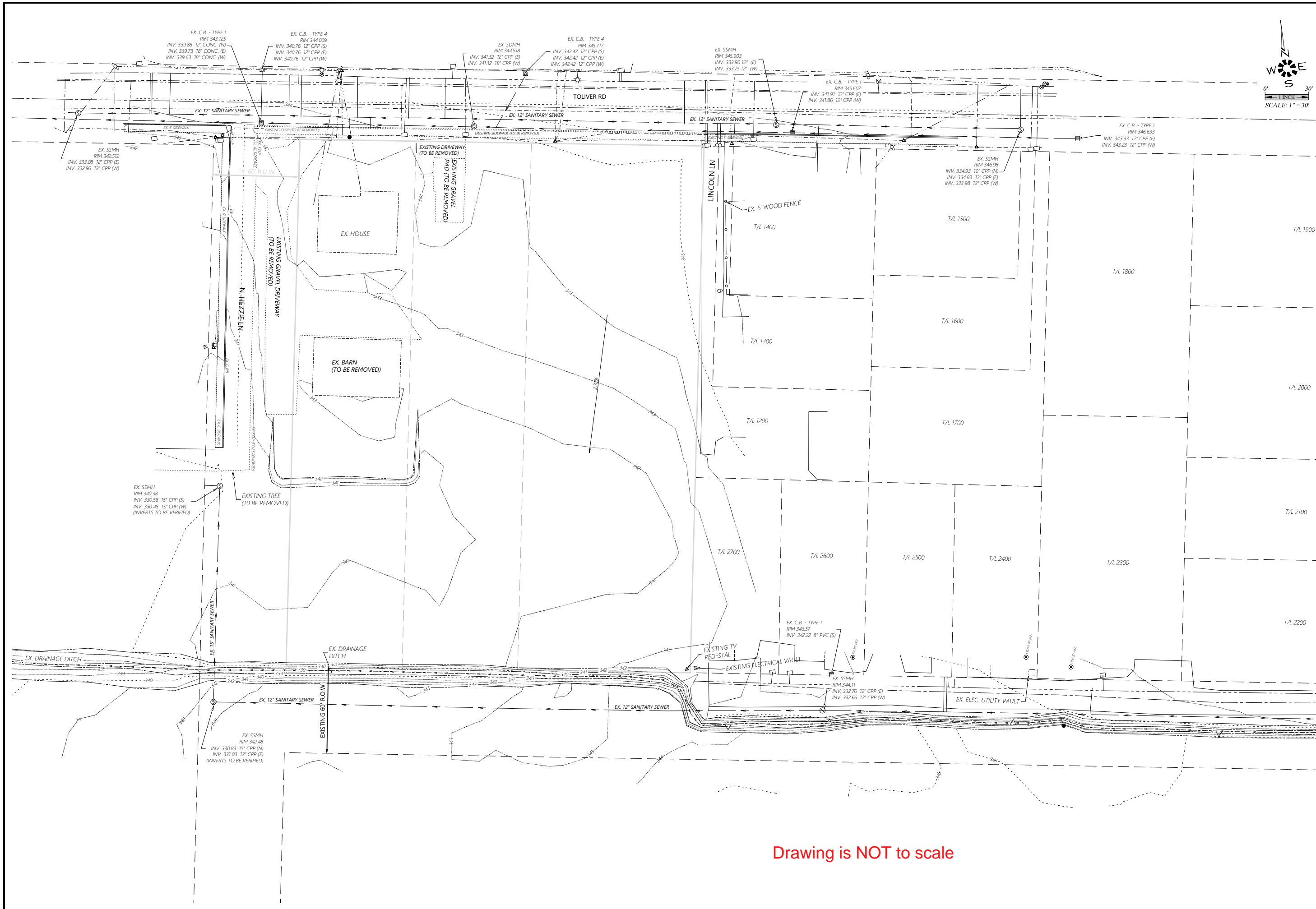


- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY





**PRELIMINARY PLAT
EXISTING
CONDITIONS
PLAN**

**TOLIVER ROAD
SUBDIVISION**

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Design:	M.D.G.
Drawn:	R.P.H.
Checked:	J.C.B.
Date:	JUNE 2023
Scale:	AS SHOWN
As-Built:	



EXPIRES: 06-30-2023
JOB # 7525

P2

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**PRELIMINARY PLAT
 STREET, GRADING, &
 DRAINAGE PLAN**

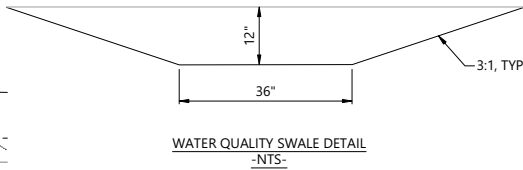
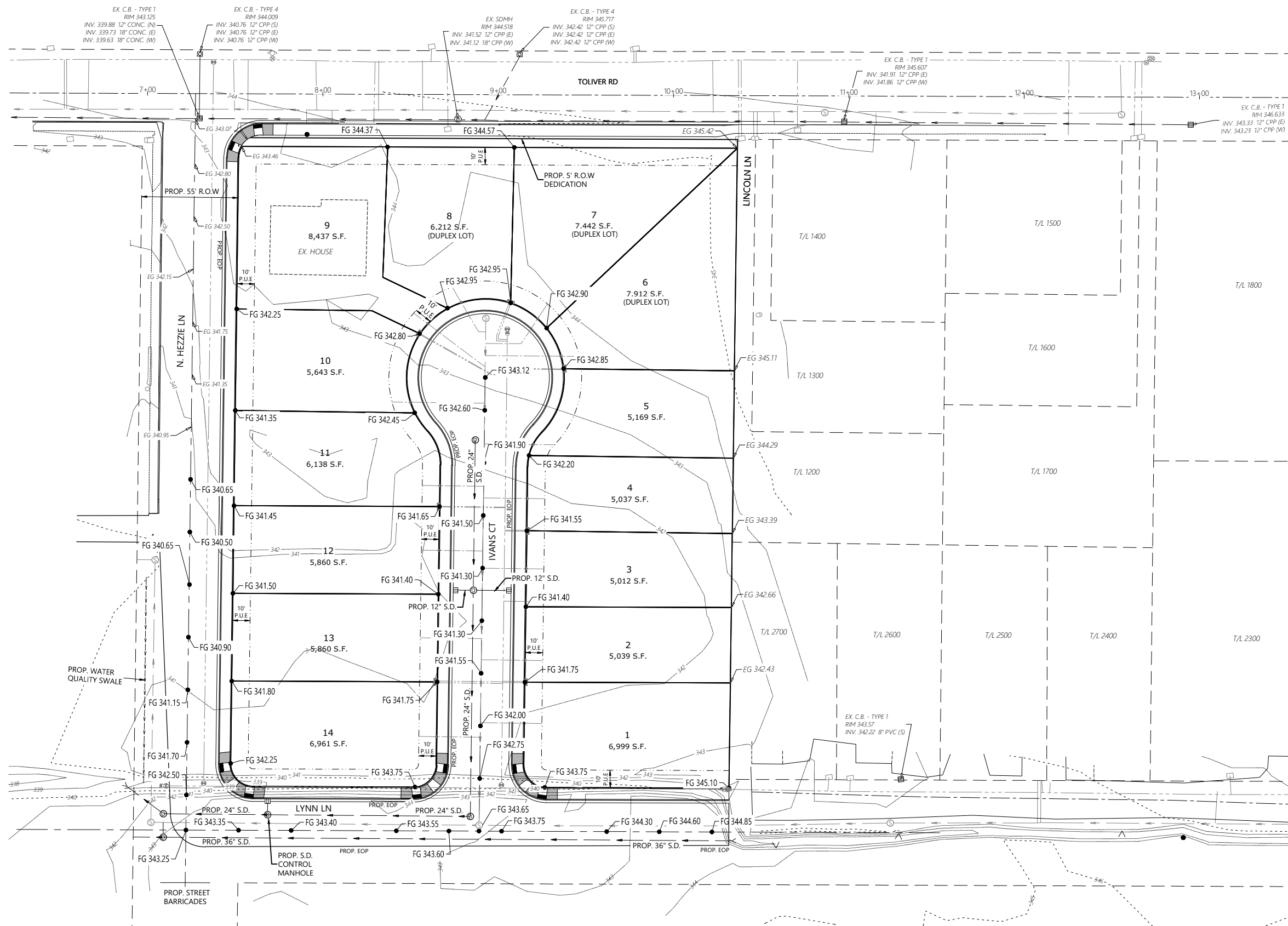
TOLIVER RD SUBDIVISION

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Date:	JUNE-2023
Scale:	AS SHOWN
As-Built:	

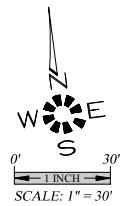


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 JOB # 7525



Drawing is NOT to scale

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PRELIMINARY PLAT OVERALL UTILITY PLAN

TOLIVER RD SUBDIVISION

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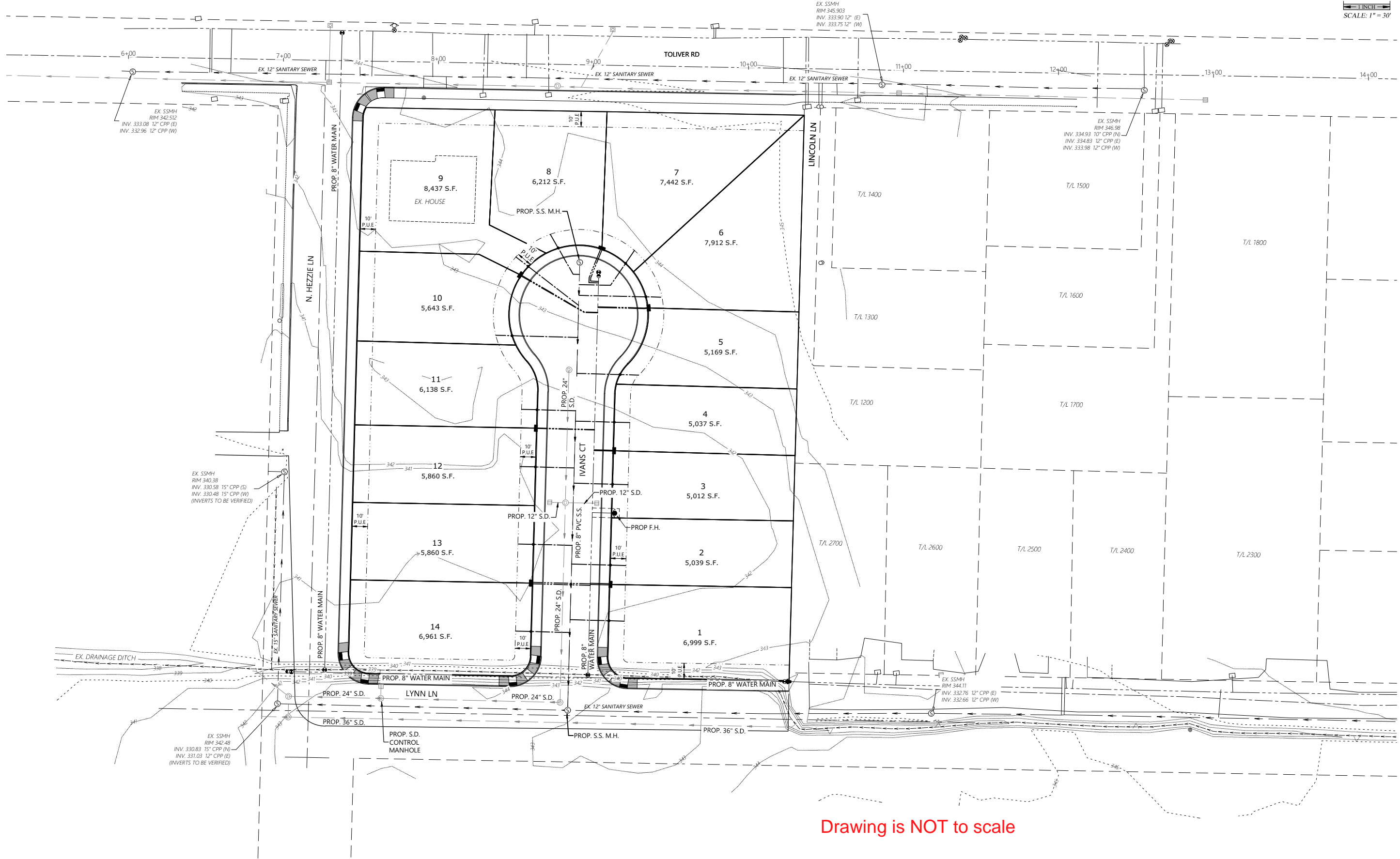
Design:	M.D.G.
Drawn:	R.P.H.
Checked:	J.C.B.
Date:	JUNE 2023
Scale:	AS SHOWN
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EXPIRES: 06-30-2023

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P4



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Appendix B



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Clackamas County Area, Oregon**

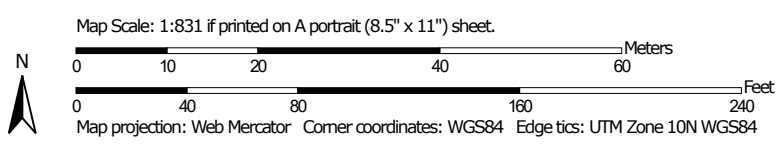
Toliver Road Subdivision



Hydrologic Soil Group—Clackamas County Area, Oregon
(Toliver Road Subdivision)




Soil Map may not be valid at this scale.



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
29	Dayton silt loam	D	2.7	100.0%
Totals for Area of Interest			2.7	100.0%

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

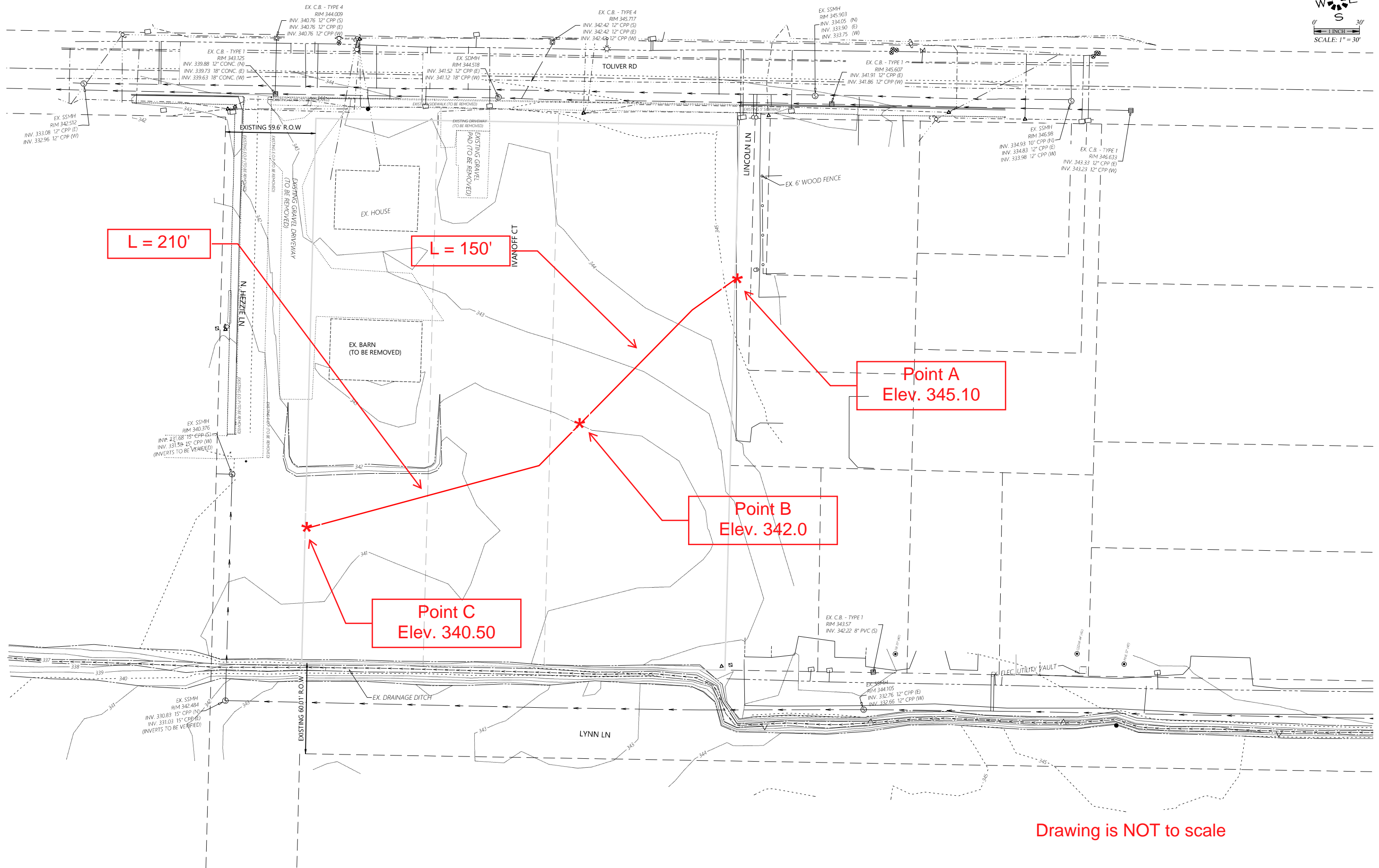
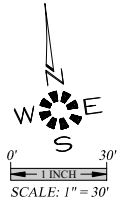
Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified



Appendix C

Time of Concentration Map



Drawing is NOT to scale



**EXISTING
CONDITIONS
PLAN**

**TOLIVER ROAD
SUBDIVISION**

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Checked:	J.C.B.
Date:	JAN. 2023
Scale:	AS SHOWN
As-Built:	



EXPIRES: 06-30-2023

JOB # 7525

P2

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Worksheet 3: Time of Concentration (T_c) or travel time (T_t)

Project Toliver Road Subdivision	By M. Hendrick	Date 2/2023
Location Molalla, Oregon	Checked	Date

Check one: Present Developed

Check one: T_c T_t through subarea

Notes: Space for as many as two segments per flow type can be used for each worksheet.
Include a map, schematic, or description of flow segments.

Sheet flow (Applicable to T_c only)

	Segment ID	A-B		
1. Surface description (Table 4D-4)		Meadow/Pasture/Farm		
2. Manning's roughness coefficient, n (Table 4D-4)		0.15		
3. Flow length, L (total L + 300 ft) ft		150		
4. Two-year 24-hour rainfall, P_2 in		2.5		
5. Land slope, s ft/ft		0.0207		
6. $T_t = \frac{0.007 (nL)^{0.8}}{P_2^{0.5} s^{0.4}}$ Compute T_t hr		0.252	+	0.252

Shallow concentrated flow

	Segment ID	B-C		
7. Surface description (paved or unpaved)		Pasture		
8. Flow length, Lft		210		
9. Watercourse slope, s ft/ft		0.007		
10. Average velocity, V (figure 3-1) ft/s		0.6		
11. $T_t = \frac{L}{3600 V}$ Compute T_t hr		0.097	+	0.097

Channel flow

	Segment ID			
12. Cross sectional flow area, a ft ²				
13. Wetted perimeter, p_w ft				
14. Hydraulic radius, $r = \frac{a}{p_w}$ Compute r ft				
15. Channel slope, s ft/ft				
16. Manning's roughness coefficient, n				
17. $v = \frac{1.49 r^{2/3} s^{1/2}}{n}$ Compute Vft/s				
18. Flow length, L ft				
19. $T_t = \frac{L}{3600 V}$ Compute T_t hr			+	
20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) Hr				0.349

0.35 Hrs = 21 Minutes

Table 3.2. RAINFALL DISTRIBUTION

Recurrence Interval (years)	Total Precipitation Depth (inches)
2	2.50
5	3.10
10	3.45
25	3.90
50	4.20
100	4.50

Manning's Roughness Coefficients for Overland Sheet Flow	
Surface Types:	n
Impervious Areas	0.014
Gravel Pavement	0.02
Developed: Landscape Areas (Except Lawns)	0.08
Undeveloped: Meadow, Pasture, or Farm	0.15
Developed: Lawns	0.24
Pre-developed: Mixed	0.30
Pre-developed: Woodland and Forest	0.40
Development Types:	n
Commercial Development	0.015
Industrial Development, Heavy	0.04
Industrial Development, Light	0.05
Dense Residential (over 6 units/acre)	0.08
Normal Residential (3 to 6 units/acre)	0.20
Light Residential (1 to 3 units/acre)	0.30
Parks	0.40

Table 4D-4. Manning's Roughness Coefficients for Overland Sheet Flow

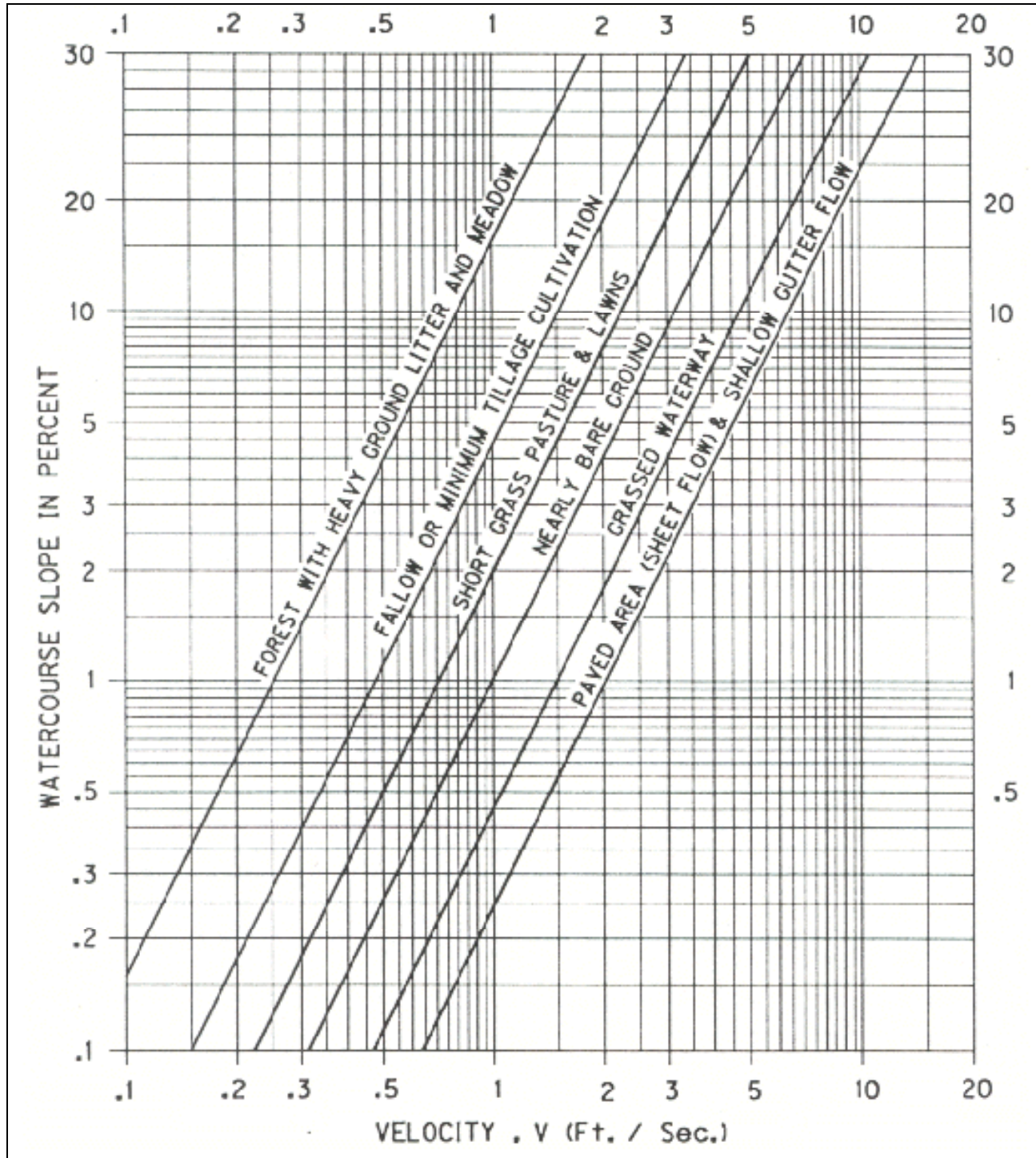


Figure 4D-2. Average Velocity of Shallow Concentrated Flow



Appendix D

DETERMINATION OF REQUIRED DETENTION STORAGE

SITE - Toliver Road Subdivision ***PRESENT PROPOSED DEVELOPMENT***
 C = 0.55 (DEVELOPED) Rainfall Inten. 0.87 (INCHES/HOUR, 2YR)
 A = 2.34 (TOTAL SITE) C = 0.40 (UNDEVELOPED)

1	2	3	4	5	6	7	8
TIME (MIN)	C x A (ACRES)	RAIN INTEN. (IN/HR)	INFLOW RATE (CFS)	INFLOW VOL (CU FT)	OUTFLOW RATE (CFS)	OUTFLOW VOL (CU FT)	REQ. STORAGE (CU FT)
5	1.29	1.900	2.45	733.59	0.81	244.30	489.29
10	1.29	1.300	1.67	1003.86	0.81	488.59	515.27
15	1.29	1.100	1.42	1274.13	0.81	732.89	541.24
20	1.29	0.900	1.16	1389.96	0.81	977.18	412.78
30	1.29	0.750	0.97	1737.45	0.81	1465.78	271.67
40	1.29	0.600	0.77	1853.28	0.81	1954.37	-101.09
50	1.29	0.550	0.71	2123.55	0.81	2442.96	-319.41
70	1.29	0.450	0.58	2432.43	0.81	3420.14	-987.71
100	1.29	0.400	0.51	3088.80	0.81	4885.92	-1797.12

DETERMINATION OF REQUIRED DETENTION STORAGE

SITE - Toliver Road Subdivision ***PRESENT PROPOSED DEVELOPMENT***
 C = 0.55 (DEVELOPED) Rainfall Inten. 1.47 (INCHES/HOUR, 10YR)
 A = 2.34 (TOTAL SITE) C = 0.40 (UNDEVELOPED)

1	2	3	4	5	6	7	8
TIME (MIN)	C x A (ACRES)	RAIN INTEN. (IN/HR)	INFLOW RATE (CFS)	INFLOW VOL (CU FT)	OUTFLOW RATE (CFS)	OUTFLOW VOL (CU FT)	REQ. STORAGE (CU FT)
5	1.29	3.000	3.86	1158.30	1.38	412.78	745.52
10	1.29	2.200	2.83	1698.84	1.38	825.55	873.29
15	1.29	1.800	2.32	2084.94	1.38	1238.33	846.61
20	1.29	1.500	1.93	2316.60	1.38	1651.10	665.50
30	1.29	1.200	1.54	2779.92	1.38	2476.66	303.26
40	1.29	1.000	1.29	3088.80	1.38	3302.21	-213.41
50	1.29	0.850	1.09	3281.85	1.38	4127.76	-845.91
70	1.29	0.700	0.90	3783.78	1.38	5778.86	-1995.08
100	1.29	0.550	0.71	4247.10	1.38	8255.52	-4008.42

DETERMINATION OF REQUIRED DETENTION STORAGE

SITE - Toliver Road Subdivision ***PRESENT PROPOSED DEVELOPMENT***
 C = 0.55 (DEVELOPED) Rainfall Inten. 1.76 (INCHES/HOUR, 25YR)
 A = 2.34 (TOTAL SITE) C = 0.40 (UNDEVELOPED)

1	2	3	4	5	6	7	8
TIME (MIN)	C x A (ACRES)	RAIN INTEN. (IN/HR)	INFLOW RATE (CFS)	INFLOW VOL (CU FT)	OUTFLOW RATE (CFS)	OUTFLOW VOL (CU FT)	REQ. STORAGE (CU FT)
5	1.29	3.400	4.38	1312.74	1.65	494.21	818.53
10	1.29	2.500	3.22	1930.50	1.65	988.42	942.08
15	1.29	2.100	2.70	2432.43	1.65	1482.62	949.81
20	1.29	1.800	2.32	2779.92	1.65	1976.83	803.09
30	1.29	1.400	1.80	3243.24	1.65	2965.25	277.99
40	1.29	1.150	1.48	3552.12	1.65	3953.66	-401.54
50	1.29	1.000	1.29	3861.00	1.65	4942.08	-1081.08
70	1.29	0.820	1.06	4432.43	1.65	6918.91	-2486.48
100	1.29	0.670	0.86	5173.74	1.65	9884.16	-4710.42

Table 1 Runoff Coefficients for the Rational Method

	FLAT	ROLLING	HILLY
Pavement & Roofs	0.90	0.90	0.90
Earth Shoulders	0.50	0.50	0.50
Drives & Walks	0.75	0.80	0.85
Gravel Pavement	0.85	0.85	0.85
City Business Areas	0.80	0.85	0.85
Apartment Dwelling Areas	0.50	0.60	0.70
Light Residential: 1 to 3 units/acre	0.35	0.40	0.45
Normal Residential: 3 to 6 units/acre	0.50	0.55	0.60
Dense Residential: 6 to 15 units/acre	0.70	0.75	0.80
Lawns	0.17	0.22	0.35
Grass Shoulders	0.25	0.25	0.25
Side Slopes, Earth	0.60	0.60	0.60
Side Slopes, Turf	0.30	0.30	0.30
Median Areas, Turf	0.25	0.30	0.30
Cultivated Land, Clay & Loam	0.50	0.55	0.60
Cultivated Land, Sand & Gravel	0.25	0.30	0.35
Industrial Areas, Light	0.50	0.70	0.80
Industrial Areas, Heavy	0.60	0.80	0.90
Parks & Cemeteries	0.10	0.15	0.25
Playgrounds	0.20	0.25	0.30
Woodland & Forests	0.10	0.15	0.20
Meadows & Pasture Land	0.25	0.30	0.35
Unimproved Areas	0.10	0.20	0.30

Note:

- **Impervious surfaces in bold**
- *Rolling = ground slope between 2 percent to 10 percent*
- *Hilly = ground slope greater than 10 percent*



CONSULTING, LLC
503.805.8115



DATE: May 16, 2023

TO: Dan Zinder, Senior Planner/ City of Molalla

FROM: Tegan Enloe, PE / Enloe Consulting, LLC

SUBJECT: Toliver Road Subdivision: Transportation Analysis Letter

Enloe Consulting, LLC, is contracted to prepare a trip generation analysis for the Toliver Road Subdivision and compare it to City of Molalla Traffic Impact Analysis (TIA) thresholds.

Proposed Development

The applicant proposes constructing fourteen (14) lots on their parcel located at the southeast corner of Toliver Road and N. Hezzie Lane. Eleven (11) lots are planned for single family homes, while the other three (3) lots are expected to have duplexes. The subdivision will be served via a single, full access located on Lynn Lane.

Trip Generation

Associated trip estimates for the proposed development are generated using the ITE Trip Generation Manual, 11th Edition. Single-family detached housing estimates are generated using ITE Code 210. Single-family attached housing (duplex) estimates are generated using ITE Code 215. Results are estimated in Table 1.

Table 1: Trip Generation Estimates

Land Use (ITE Code)	Units	Time Period	Peak Hour Trips		
			In	Out	Total
Single-family detached housing (Code 210)	11	AM Peak Hour	3	7	10
		PM Peak Hour	8	4	12
		Daily	-	-	132
Single-family attached housing (Code 215)	6	AM Peak Hour	1	2	3
		PM Peak Hour	2	1	3
		Daily	-	-	43

Trip generation values are estimated using the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, published in 2021.

City Thresholds

The City of Molalla Design Standards outline requirements for TIAs in section 2.1.4. These criteria are summarized in Table 2 below. Based on our review of the applicable criteria, location of the site, and estimated trips generated by the proposed development, it does not appear that a full TIA is required.



CONSULTING, LLC
503.805.8115

Table 2: City TIA Thresholds

Requirement	Threshold	Result
2.1.4.a	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.)	Trip estimates are outlined in Table 1 and shows the AM and PM peak hour trips estimates are below the 25 trips per hour threshold.
2.1.4.b	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.	Our team was not able to find any previously completed operational analysis at the intersection N. Hezzie Ln at Toliver Rd. The N. Hezzie Ln approach (minor approach) currently provides access to four parcels with what appear to be single family homes. The expected trips associated with four dwelling units should be minimal and unlikely to cause the intersection to operate substandard.
2.1.4.c	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.	A review of the ODOT TransGIS database shows there are no recorded crashes at the intersection of N. Hezzie Ln at Toliver Rd between 2016-2020. The City of Molalla and the Molalla School District have identified Toliver Rd as part of the Safe Routes to School for Molalla Elementary School, however, the specific intersection of N. Hezzie Ln at Toliver Rd is not identified as a critical pedestrian crossing.
2.1.4.d	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.	Single-family detached and attached housing is generally expected to produce primarily passenger car vehicle trips.



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503.805.8115

Attachments

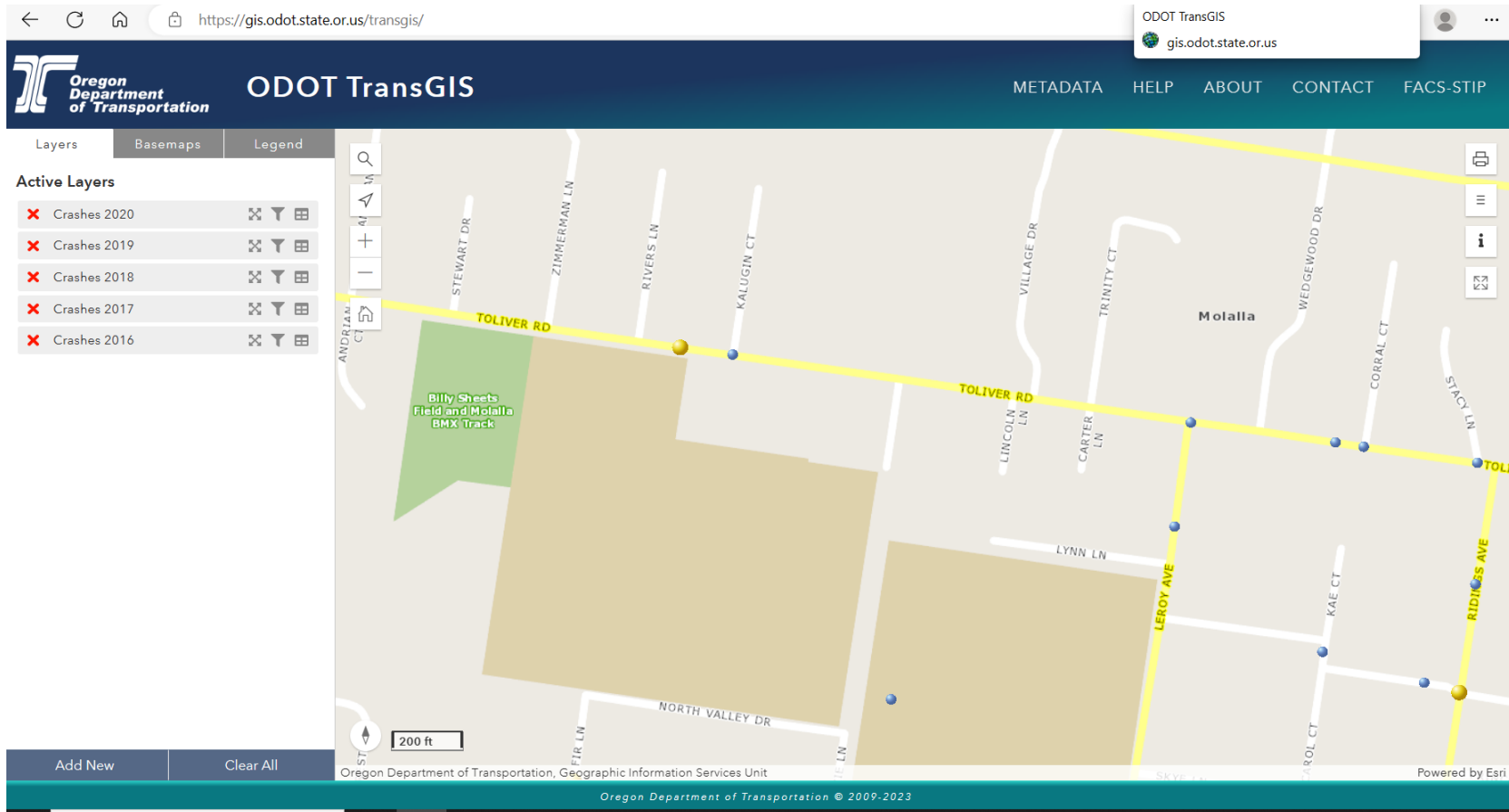
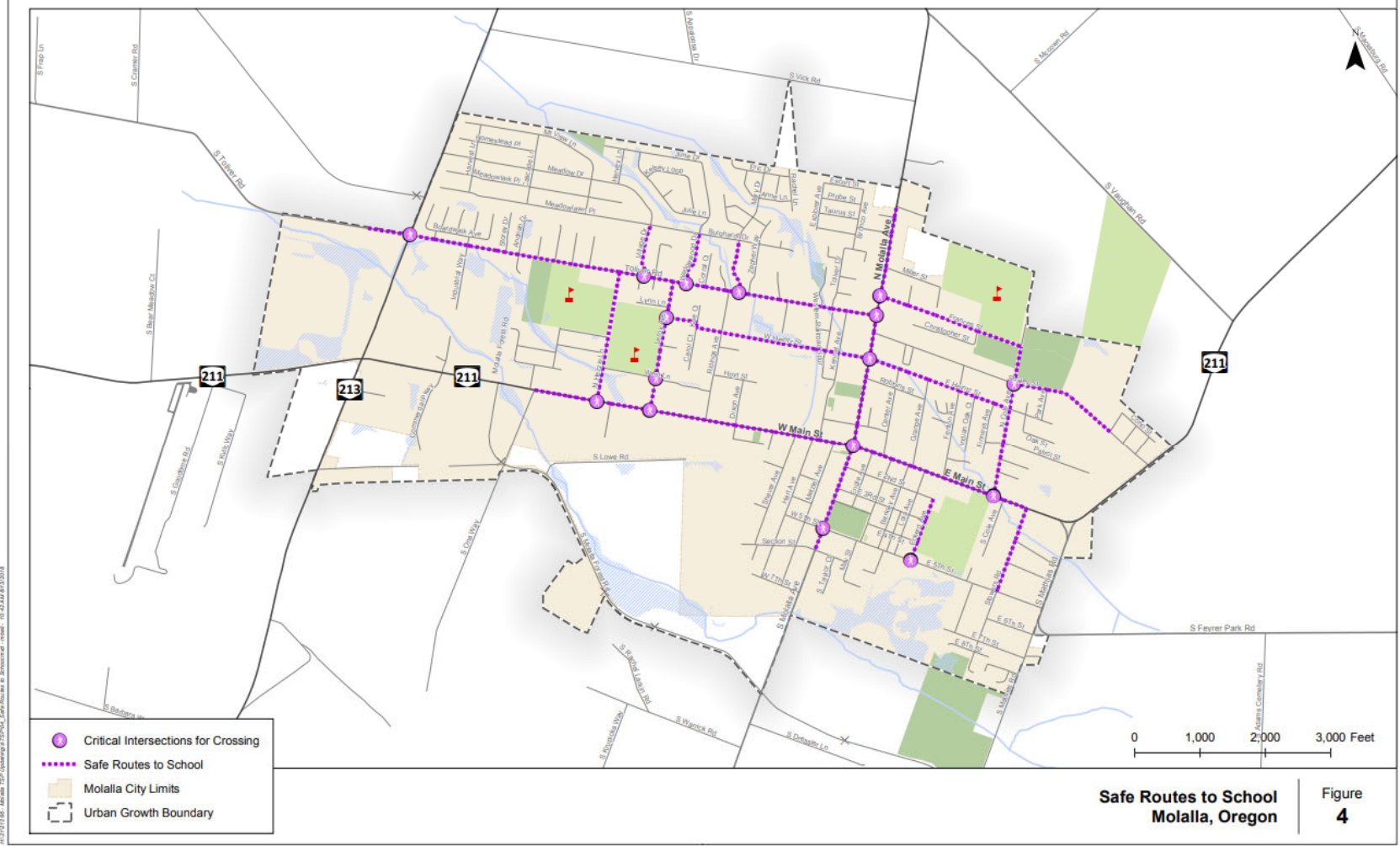


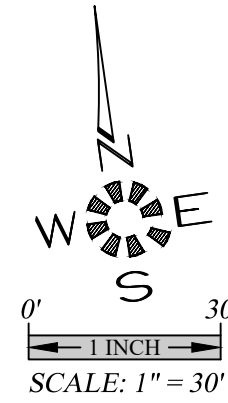
Figure 1: ODOT TransGIS, Accessed 5/5/2023



H:\2172186 - Molalla TSP\Subarea\GIS\TSP\UL_SAR\Routes to School.mxd - 10/24/18 10:53:01 AM

Figure 2: Molalla TSP SRTS Plan

2/17/2023 1:55:05 PM - Toliver Rd Subdivision.dwg - P3, 5/4/2023 1:52:28 PM, R:\userfiles\ksharshon



PRELIMINARY PLAT STREET, GRADING, & DRAINAGE PLAN

TOLIVER RD SUBDIVISION

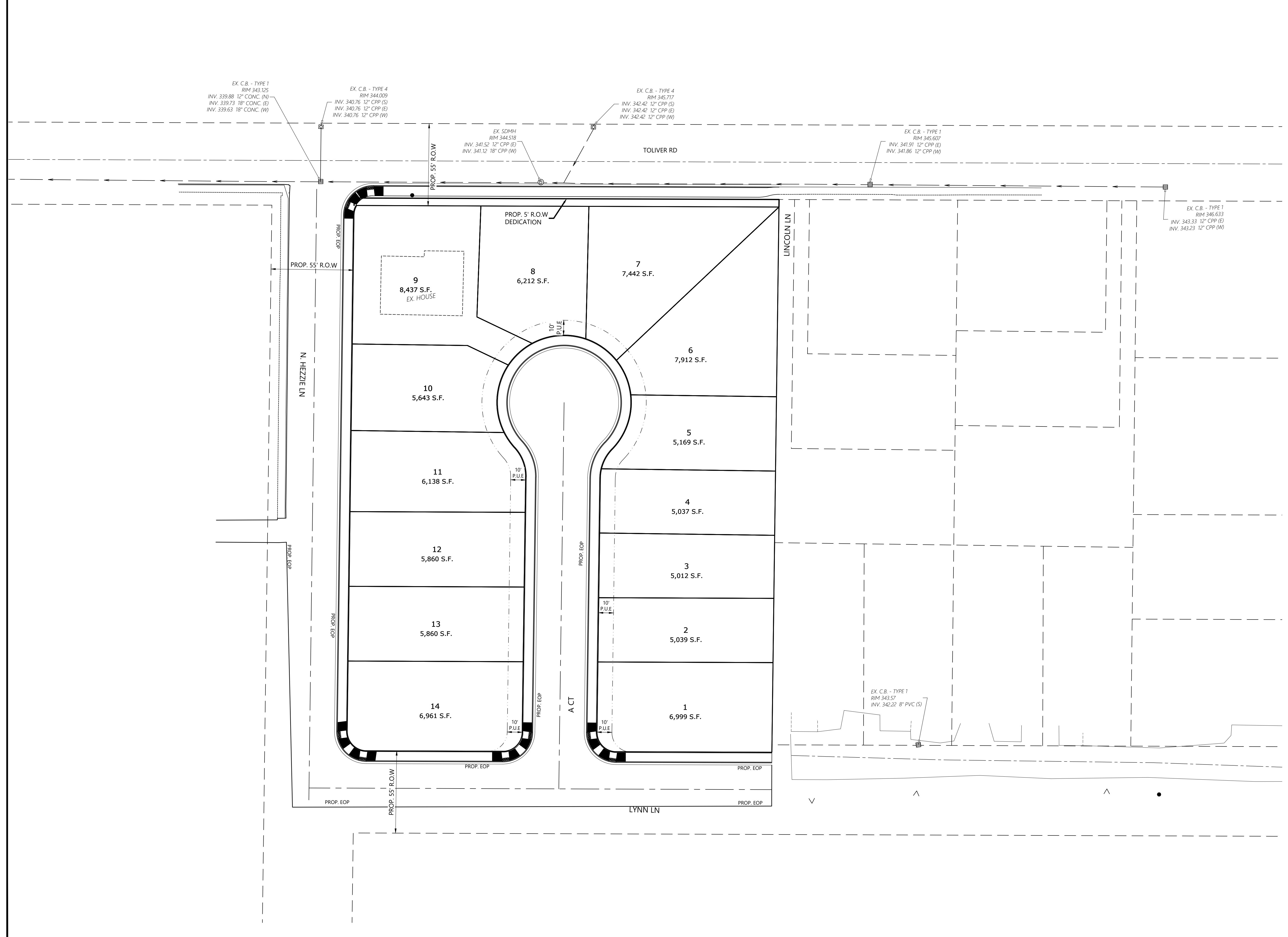
NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE TO THESE DRAWINGS
WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

7525 P3
Design: M.D.G.
Drawn: R.P.H.
Checked: J.C.B.
Date: MAY 2023
Scale: AS SHOWN
As-Built: _____



EXPIRES: 06-30-2023
JOB # 7525

P3



EX. C.B. - TYPE 1
RIM 343.125
INV. 339.88 12" CONC. (N)
INV. 339.73 18" CONC. (E)
INV. 339.63 18" CONC. (W)

EX. C.B. - TYPE 4
RIM 344.009
INV. 340.76 12" CPP (S)
INV. 340.76 12" CPP (E)
INV. 340.76 12" CPP (W)

EX. C.B. - TYPE 4
RIM 345.717
INV. 342.42 12" CPP (S)
INV. 342.42 12" CPP (E)
INV. 342.42 12" CPP (W)

EX. SDMH
RIM 344.518
INV. 341.52 12" CPP (E)
INV. 341.12 18" CPP (W)

EX. C.B. - TYPE 1
RIM 345.607
INV. 341.91 12" CPP (E)
INV. 341.86 12" CPP (W)

EX. C.B. - TYPE 1
RIM 346.633
INV. 343.33 12" CPP (E)
INV. 343.23 12" CPP (W)

EX. C.B. - TYPE 1
RIM 343.57
INV. 342.22 8" PVC (S)

PROP. 55' R.O.W.

PROP. 55' R.O.W.

PROP. 5' R.O.W.
DEDICATION

PROP. 55' R.O.W.

N. HEZLIE LN

PROP. EOP

PROP. EOP

PROP. EOP

PROP. EOP

PROP. EOP

PROP. 55' R.O.W.

PROP. EOP

10' P.U.E.

10' P.U.E.

10' P.U.E.

10' P.U.E.

PROP. EOP

PROP. EOP

A CT

PROP. EOP

PROP. EOP

LYNN LN

LINCOLN LN

PROP. EOP

PROP. EOP

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Exhibit E:

Statement of Sewerage

Capacity from City



THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.

August 2, 2023

Macahan Corthell
Community Development Director
City of Molalla

Re: Toliver Road Subdivision
Statement of Capacity

Dear Mac:

In accordance with OAR 340-052-0015(3)(c), this letter serves as a statement concerning the impact of the proposed Toliver Road Subdivision on the capacity and performance of the City of Molalla's (City) wastewater collection, Wastewater Treatment Plant (WWTP), and effluent disposal facilities. The proposed subdivision consists of consists of an additional thirteen Equivalent Dwelling Units (EDUs). OAR 340-052-0015(3)(c) states, "Plans for a common sewer or a sewerage system submitted by a person other than the owner or joint owner of the treatment works must be accompanied by a statement from the treatment works owner that he agrees to provide sewer service and has sewerage system and treatment capacity to do so."

The Dyer Partnership previously evaluated and summarized the capacity of the existing WWTP in the April 19, 2022 Technical Memorandum, "Wastewater Treatment Plant Upgrades – WWTP Performance Evaluation." The Technical Memorandum concluded compliance with the National Pollutant Discharge Elimination System (NPDES) permit as modified by the Mutual Agreement and Order (MAO) with flow and load contributions from an additional 214 EDUs is attainable based on the following conditions:

1. Influent flows and loads remain consistent with 2018 through 2021 values;
2. City continues to implement collection system improvement projects to mitigate infiltration and inflow;
3. Proper operation and maintenance activities; and,
4. Ongoing solids removal from the lagoons.

This letter evaluates the impacts on the performance of the City's wastewater infrastructure relative to an additional thirteen EDUs (one existing residence), and considering changed conditions at the WWTP since the capacity of the existing WWTP was evaluated in April 2019. In October 2022, the City was forced to bypass the Aeration Basin. The City installed two additional aerators in Lagoon No. 1, in an attempt to replace the treatment capacity lost due to the bypassing of the Aeration Basin. The City is evaluating the performance of the WWTP with the new aerators in operation to understand and quantify the impacts. The City is committed to continuously monitoring the existing WWTP and evaluating interim upgrades necessary to achieve NPDES permit and MAO compliance while adding new connections until the new WWTP is constructed.

An evaluation of the proposed flows and loads from the Toliver Road Subdivision was conducted. The additional thirteen EDUs will generate an average dry weather flow of approximately 4,000 gallons/day. The current average dry weather flow is approximately 600,000 to 700,000 gpd. The additional flow generated by

the thirteen EDUs represents an additional contribution of about 0.6 percent. The additional residential connections are insignificant in comparison to the current flows and loads.

The build-out schedule of the subdivision was also considered. Full build-out of the subdivision is not anticipated to occur for approximately one year. Upgrades to the secondary treatment system are expected to be commissioned by early 2025.

The subdivision will be served by a new public gravity sewer main. With contemporary materials and construction techniques, it is not anticipated that the new sewer will contribute significantly to infiltration and inflow rates.

Since 2018, the City has implemented several collection system improvement projects that have reduced the wet weather flows conveyed to the WWTP. Capacity that was previously trapped by infiltration and inflow has been made available by way of collection system improvement projects.

In addition to recently constructed collection system improvement projects, the City has also made significant progress towards removing solids from the lagoons. Solids in the lagoons have historically occupied volume and treatment capacity. The City removed 1,461 dry tons of solids in 2022. The City is in the process of removing more sludge this summer and throughout 2024. The City has also optimized and addressed deficiencies with the tertiary treatment systems, and installed a second influent screen in 2019.

Based on 2018 through 2021 flows, and the 2007 WWTP Improvements design data, compliance with the NPDES permit as modified by the MAO, with flows and loads from an additional thirteen EDUs, is attainable, with the understanding that periodic (seasonal) ammonia limit non-compliance and out-of-season discharges may occur. The City has violated the effluent ammonia limit periodically in the past, most recently in November and December of 2022. The City may continue to violate the ammonia limit, depending on influent flow rates, operation and maintenance tasks, solids removal activities, and based on the effectiveness of the new aeration equipment installed in Lagoon No. 1. The City did not violate the NPDES permit, as modified by the MAO, from January through June of 2023.

In the event that per capita flows exceed those recorded in 2018 through 2021, or should precipitation be above average during the months of May through October, the City may need to request an out-of-season discharge from Oregon Department of Environmental Quality (DEQ). Above average rainfall will contribute to rain induced infiltration and inflow, which could negatively impact storage requirements within the existing lagoons. In accordance with the City's MAO, any out of season discharge not authorized by the NPDES permit that occur during the months of May, June, or October will be addressed per DEQ's Enforcement Guidance Internal Management Directive.

The City is in the process of constructing a new WWTP, with construction scheduled to commence in late 2023, and commissioning of the new Sequencing Batch Reactor facility in early 2025. The above remarks are considered temporary and only valid as the City continues to operate the existing WWTP.

Feel free to contact us if you should have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Molatore', with a long horizontal flourish extending to the right.

Tyler J. Molatore, PE
THE DYER PARTNERSHIP
ENGINEERS AND PLANNERS, INC.