



**Planning & Community Dev.**

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## **Planning Permit Review & Notice of Decision**

<b>Date of Review:</b>	September 21, 2018
<b>File No.:</b>	P80-2017
<b>Parcel or Taxlot:</b>	52E17AA02200
<b>Address:</b>	663 Metzler Ave., Molalla, 97038
<b>Applicant:</b>	Juan Pablo Sandoval Arellano & Luz Elena Arellano Miramontes
<b>Owner:</b>	Juan Pablo Sandoval Arellano & Luz Elena Arellano Miramontes
<b>Proposal:</b>	Partition – 2 lot
<b>Current Use:</b>	Single Family Home (Residential)

### **Planning Permit Review:**

The City is authorized to approve Type II planning applications pursuant to section 19.36.010 of the Molalla Development Code (MDC). Below are the relevant approval criteria pursuant to section **19.12.080 Approval criteria.**

**General Approval Criteria.** *The City may approve, approve with conditions or deny a partition based on the following approval criteria:*

1. *The proposed partition complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this title, and the applicable chapters and sections of Title 17 (Land Use Districts) and Title 18 (Design Standards) shall apply. Where a variance is necessary to receive partition approval, the application shall also comply with the relevant sections of Title 20;*

- a. *Title 17 Land Use Districts*

**Staff Findings:** The proposed lot is zoned R2 – Medium Density Residential. Minimum lot size standards are met. Lot width and depth standards are met. All other criteria are applicable at the time of the development. No development is proposed at this time.

*b. Title 18 Community Design Standards*

**Staff Findings:** Any future development plans will adhere to the established development code.

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

**Staff Findings:** There is no other partition with the same name on record to the reviewer’s knowledge.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

**Staff Findings:** There are no proposed public improvements, or required public improvements as a result of the partition. When development occurs public improvements will be applied.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat;*

**Staff Findings:** There are no proposed private common areas, or HOA-owned areas on the plat.

5. *Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat;*

**Staff Findings:** No federal permits are required as a result of this plat. Additional permits may have to be obtained as a result of subsequent development.

6. *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*

**Staff Findings:** The anticipated conditions of approval can reasonably be met.

7. *If any part of the site is located within a Specific Area Plan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.*

**Staff Findings:** The site is not located on a Specific Area Plan District, Overlay Zone, or previously approved Master Planned Development. Criteria met.

**Layout and Design of Streets, Blocks and Lots.** *All proposed blocks (i.e., 1 or more parcels bound by public streets) parcels conform to the specific requirements below:*

1. *All parcels shall comply with the parcel size, setback, and dimensional requirements of the applicable land use district (Title 17), and the standards of Section [18.04.020](#), Street Connectivity and Formation of Blocks;*

**Staff Findings:** The proposed real properties comply with the applicable standards of Title 17. The certain Title 18 standards that do apply are met.

2. *Setbacks shall be as required by the applicable land use district (Title 17);*

**Staff Findings:** All applicable setbacks are existing structure are met. Primary building setbacks will need to be verified.

3. *Each parcel shall conform to the standards of Chapter [18.04](#), Access and Circulation;*

**Staff Findings:** Joint and Cross Access standards are met with the proposed access and utility easement. Other standards from this section only apply with future physical development.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Title 17, Land Use Districts, and Chapter [18.08](#), Landscaping;*

**Staff Findings:** There is no anticipated conflicts as all surrounding lots are zoned residential. Criteria is met.

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter [18.04](#), Access and Circulation;*

**Staff Findings:** The proposed parcel abuts a public right of way. Access is provided. Criteria met.

6. *Where a common drive is to be provided to serve more than 1 parcel, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition plat;*

**Staff Findings:** This shall be included as a condition of approval. MCC 19.12.080.2.f is met

7. *Need for Adequate Utilities. All lots and parcels created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.*

**Staff findings:** There is gas, electrical, and water available to the site on Metzler Ave. and from 2<sup>nd</sup> W 7<sup>th</sup> St. Criteria met. Based on the review - a sewer main shall be extended on 7<sup>th</sup> St to serve a proposed single-family home. As a result, it may require showing capacity to the Department of Environmental Quality.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

**Staff Findings:** All Easements shall be included on the final plat. Criteria met.

**Conditions of Approval.** *The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter [18.16](#) (Public Facilities). (Ord. 2010-15 §1; Ord. 2010-04 §1)*

Planning Staff hereby **approves** this application (P80-2017) based on the submitted application materials and subject to the following conditions:

1. The applicant shall be required to acquire any State or Federal permits prior to the approval of the Final Plat.
2. The driveway approach shall meet the allowed width by the City of Molalla.
3. The applicant may be required to show capacity to the Department of Environment Quality if a sewer main is required to be extended from a subsequent development.
4. The owner shall obtain valid access permits from the City related to all subsequent developments of the newly created property.
5. The easements shall be clearly show on Plat.
6. New structures on Parcel 1 shall require a stormwater review by City staff.
7. Any required dedications shall be recorded with the final plat approval.
8. An appropriate address shall be place on the new parcel.
9. The primary building located on parcel 1 shall meet setback requirements.
10. Partition approval shall be effective for a period of 1 year from the date of approval. The partition shall lapse if a final plat has not been submitted within the 1-year period.

Public Works Specific Requirements to This Site:

#### **CONDITIONS**

1. Specific Requirements To This Site:
  - A. Street:
    1. The 2 lot partition plat proposal will not require a traffic impact analysis update.
    2. Metzler Avenue: Metzler Avenue is a local street under City of Molalla jurisdiction. Current right-of-way width is 60 feet and approximate pavement width is 20 feet. Local streets (w/PK) require 50 feet of right-of-way and 36 feet of pavement. Applicant will be required to construct half street improvement to City standards for 18 feet of pavement (CL to face of curb), curb and gutter, and 6 foot curb tight sidewalk. Construction will be required during the development of Parcel 1 or redevelopment of Parcel 2. Curb extensions and associated drainage improvements will be required. No right of way dedications are required. A 10 foot wide public utility easement shall be dedicated along the frontage as part of the partition plat.
    3. 7<sup>th</sup> Street: 7<sup>th</sup> Street is a local street under City of Molalla jurisdiction. Current right-of-way width is 50 feet and approximate pavement width is 25 feet. Local streets (w/PK) require 50 feet of right-of-way and 36 feet of pavement. Applicant will be required to construct half street improvement to City standards for 18 feet of pavement (CL to face of curb), curb and gutter, and 6 foot curb tight sidewalk. Construction will be required during the development of Parcel 1 or redevelopment of Parcel 2. Curb extensions and associated drainage improvements will be required. No right of way dedications are

required. A 10 foot wide public utility easement shall be dedicated along the frontage as part of the partition plat.

4. Access to public streets shall be limited from the intersection to the nearest driveway in accordance with the Transportation System Plan and Public Works Standards.
5. Transportation SDC's – In accordance with MMC 13.14 this partition plat permit does increase the impacts to the public improvement facility and is therefore exempt from transportation SDC charges. Once development of Parcel 1 occurs, SDC's shall be calculated in accordance with the SDC methodology.

B. Storm:

1. City Streets: Storm improvements will be required during time of development or redevelopment of lots.
2. Stormwater SDC's – In accordance with MMC 13.14 this partition does increase the impacts to the public improvement facility and is therefore exempt from stormwater SDC charges. Once development of Parcel 1 occurs, SDC's shall be calculated in accordance with the SDC methodology.

C. Sanitary:

1. An 8-inch sanitary main exists on Metzler Avenue near the northeast corner of Parcel 2. Parcel 2 has sewer service. During development of Parcel 1, applicant will be required to construct extension of sanitary sewer main to 7<sup>th</sup> Avenue and west along 7<sup>th</sup> to the southeast corner of the Parcel.
2. Sanitary SDC's – In accordance with MMC 13.14 this partition does increase the impacts to the public improvement facility and is therefore exempt from sewer SDC charges. Once development of Parcel 1 occurs, SDC's shall be calculated in accordance with the SDC methodology.

D. Water:

1. An 8-inch water main exists on Metzler Avenue and 7<sup>th</sup> Street. Parcel 2 has water service and Parcel 1 shall connect to the waterline on 7<sup>th</sup> Street.
2. Water SDC's – In accordance with MMC 13.14 this partition does increase the impacts to the public improvement facility and is therefore exempt from water SDC charges. Once development of Parcel 1 occurs, SDC's shall be calculated in accordance with the SDC methodology.

E. Parks:

1. Parks SDC's – In accordance with MMC 13.14 this partition does increase the impacts to the public improvement facility and is therefore exempt from parks SDC charges. Once development of Parcel 1 occurs, SDC's shall be calculated in accordance with the SDC methodology.

F. Franchise Utility Services:

1. All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city.

## **GENERAL DESIGN REQUIREMENTS & POLICIES**

a. General Requirements:

- A. From the 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.
- B. 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.

- C. 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.

- D. 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.
- E. 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.
- F. Plans submitted for review shall meet the requirements described in Section 1 of the Molalla Standard Specifications for Public Works Construction.
- G. 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.
- H. 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.
- I. 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.
- J. All public improvement designs shall meet the requirements of the Molalla Standard Specifications for Public Works Construction as amended by the Public Works Director.
- K. 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.
- L. 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.

**Decision, Effective Date & Appeal:**

The decision above is final on the date following the appeal period for a type II decision, which is 14 days in length. The decision shall be final after **October 5, 2018**. If no appeal has been filed pursuant to section 19.04.030 on or before that date, the decision will be final. The decision may be appealed by the applicant, any person who was entitled to written notice of the Type II administrative decision, or by any other person who participated in the proceeding by submitting written comments.